

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

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COMMONWEALTH OF MASSACHUSETTS,

v.

KAREN READ.

* * * * *

* Docket No. 2282CR00117

BEFORE THE HONORABLE BEVERLY CANNONE
MONDAY, JUNE 17, 2024
TESTIMONY OF NICHOLAS GUARINO

APPEARANCES:

For the Commonwealth:

BY: ADAM LALLY, A.D.A.
LAURA MCLAUGHLIN, A.D.A.

For the defendant:

BY: DAVID YANNETTI, ESQ.
ALAN JACKSON, ESQ.
ELIZABETH LITTLE, ESQ.

Dedham, Massachusetts
Room 25

Christine D. Blankenship, CVR
Court Reporter/Transcriber

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
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Nicholas Guarino	
(By Mr. Lally)	3

Exhibits:	Page:
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627	Large Packet of Text Messages Between John O'Keefe and Karen Read (Cellebrite Extraction)	39
628	Cellebrite Extraction of John O'Keefe's Call Log	45
629	Cellebrite Extraction of Karen Read's Call Log with John O'Keefe	45
630	Cellebrite Extraction of Chats Between Karen Read and Laura Sullivan	54
631	Cellebrite Extraction of Calls Between Karen Read and Laura Sullivan	54
632	Cellebrite Extraction - Karen Read/Erin O'Keefe Call Log	55

1 (Court in session.)

2 (Defendant is present with counsel.)

3 (Jury in.)

4 THE COURT: All right, Mr. Lally, your next
5 witness, please.

6 MR. LALLY: Yes, Your Honor. The Commonwealth calls
7 Trooper Nicholas Guarino to the stand.

8 NICHOLAS GUARINO, sworn

9 THE COURT: Good afternoon.

10 THE WITNESS: Good afternoon.

11 **DIRECT EXAMINATION**

12 **BY MR. LALLY:**

13 Q Good afternoon, sir.

14 A Good afternoon, sir.

15 Q Could you please state your name and spell your
16 last name for the jury?

17 A Yep. Nicholas Guarino, G-U-A-R-I-N-O.

18 Q And how are you employed, sir?

19 A I work for the Massachusetts State Police.

20 Q And how long have you been a member of the
21 Massachusetts State Police?

22 A This is my ninth year now.

23 Q Now prior to working with the state police, what if
24 any prior experience did you have in the field of law
25 enforcement?

1 A I was a local police officer in Norwood for almost
2 11 years.

3 Q Now, with respect to your role within the state
4 police, where is it that you work now?

5 A Currently work at the Norfolk District Attorney's
6 Office.

7 Q And within the detective unit; is that correct?

8 A Yes, that's correct.

9 Q And with respect to that, what if any specialized
10 role do you have within the detective unit attached to
11 the Norfolk DA's office?

12 A I conduct cell phone forensics, computer forensics,
13 and I also do sexual assault investigations.

14 Q Now, with regard to the electronic forensics, what
15 if any specialized training have you received in that
16 particular area?

17 A I have about 300 or so hours at Cellebrite, CCO,
18 CCPA, cell phone repair forensics, Berla motor vehicle
19 forensics, Axiom Magnet cell phone and computer
20 forensics, Xways. These are all different programs used
21 for cell phone and computer forensics.

22 Q Sir, at some point, did you become involved in an
23 investigation involving the defendant Karen Read?

24 A Yes.

25 Q And with respect to that, let me just ask you, at

1 some point did you become aware of an affidavit from a
2 defense expert named Richard Green?

3 A Yes, I have.

4 Q And at some time following that, did you have
5 occasion to reach out to Cellebrite with regard to what
6 had been posited by Mr. Green in regard to two Google
7 searches contained within Jennifer McCabe's phone?

8 A Yes, I did.

9 Q And eventually at some point, did you have occasion
10 to speak with the gentleman who came in here right
11 before you, Mr. Ian Whiffin?

12 A Yes, I did.

13 Q And so that wasn't Trooper Proctor that reached out
14 to Mr. Whiffin or had any communication that you're
15 aware of with Mr. Whiffin, correct?

16 A No, that was I reached out after the defense
17 expert's findings were released, and I read his report.

18 Q And did you also have occasion to review a report
19 from a Ms. Jessica Hyde?

20 A Yes, I did.

21 Q And with respect to those two reports, what if any
22 conclusions or opinions did you come to independently
23 in relation to those opinions at the time of Mr.
24 Whiffin?

25 MR. YANNETTI: Objection.

1 THE COURT: Sustained.

2 Q Now, Trooper Guarino, you had mentioned that you've
3 had specialized training in regards to something called
4 Berla, correct?

5 A Yes.

6 Q Could you please explain to the jury what Berla is
7 and how is it used in criminal investigations in your
8 line of work?

9 A So Berla is a specialized hardware and software
10 used to download the infotainment and telematics
11 modules in a vehicle. So telematics module is basically
12 like the SIM card for the car, and the infotainment
13 system is your radio head unit that enables you to have
14 Apple Play -- excuse me -- CarPlay or android or Google
15 Play for the vehicle.

16 Q And at some point, were you made aware of a search
17 warrant that was authored in regards to seizing the
18 infotainment system from Ms. Read's vehicle?

19 A Yes, sir.

20 Q And just so the record is clear, can you describe
21 Ms. Read's vehicle as far as what type of vehicle we're
22 talking about?

23 A Yes, it's Lexus LX 570 SUV.

24 Q And specifically on February 2, 2022, did you have
25 occasion to remove that infotainment system from the

1 vehicle pursuant to that search?

2 A Yes, I did.

3 Q And once that item was removed from the defendant's
4 vehicle, what, if anything, did you do with it?

5 A After we removed it from the vehicle, it was
6 brought back to Norfolk DA's office for that extraction
7 or attempt to.

8 Q And that data extraction, if you know based on your
9 training and experience, sort of how is that conducted
10 or what is the process of extracting data using Berla?

11 A So depending on the system, it's dismantled. They
12 have this specialized hardware that actually goes on to
13 the motherboards of these systems, and we're able to
14 pull the data.

15 Or the other option, if that's not viable, is to do
16 a chip off where we have to basically destroy the
17 motherboard and take the memory chips off the devices,
18 try to get the data that way.

19 Q Now, with reference to this specific device, what
20 if any efforts did you undergo in order to track the
21 information without using the chip off?

22 A So at the time that we pulled the system, it was
23 not supported. I emailed Berla and called them to see
24 if they had a timeline of when this might be supported
25 so we could get the data. We deemed chip off last port

1 -- excuse me -- as a last resort because it is a
2 destructive process, so once those memory chips are
3 taken off, the likelihood of trying to reattach them
4 and get it to work again is very slim.

5 Q Let me stop you there for a second. When you talk
6 about an item being supported, what does that mean?

7 A Whether or not Berla has the ability to pull the
8 data from that vehicle.

9 Q And how is that sort of determined, or how are you
10 able to ascertain whether or not a particular vehicle,
11 make, model, manufacturer is supported by the Berla
12 product?

13 A They have an app, and they also have their tech
14 support. But if you put in the VIN of the vehicle, or
15 if you don't have the VIN, you have the make, model,
16 and trim level, like limited or XLE or whatever, you
17 would be able to go in and look it up and basically say
18 -- Berla will tell you, yes, it's supported for GPS
19 points, or it's supported for diagnostic data, or, you
20 know, whatever that they're able to get out of the
21 vehicle, and they work with automakers to get these --
22 get this data, so.

23 Q And approximately how many different types of
24 -- if we're looking at sort of the entirety of
25 different makes and models and manufacturers, if you

1 know, sort of what percentage of those types of
2 vehicles are actually supported and Berla can actually
3 extract information?

4 A I don't know. As of right now, it's a lot, and
5 they're constantly updating it so they are able to do
6 more vehicles as time goes on.

7 Q Now, at this particular time, as we sit here today,
8 June 17, 2024, the vehicle that the defendant was
9 operating on January 29, 2024, is that vehicle
10 available or supported by Berla at this time?

11 A The trim level that the defendant had is not still
12 supported. There is Toyota and Lexus support now, but
13 it's not, unfortunately, for her model.

14 Q Now, you mentioned that you had reached out to the
15 Berla company for updates as far as the availability or
16 when the defendant's vehicle might be supported; is
17 that correct?

18 A That's correct.

19 Q And about how many times and over what time period
20 are we talking about that you reached out to ascertain?

21 A Immediately when I did the data extraction -- I
22 shouldn't say extraction. But when I took the system
23 out of the vehicle, I had to reach out to Berla because
24 where it wasn't supported, they actually had to send me
25 tech diagrams so I could go in, and, again, not destroy

1 the whole vehicle as I just took those components out.
2 Over the next, God, almost two years, year and a half
3 of going back and forth with them with their support
4 and their sales team.

5 Q And when you say going back and forth, about how
6 often were you reaching out to them, or how often were
7 you getting trying to get a response in regard Berla?

8 A Usually every few months. I want to say every three
9 months, give or take. I forget the exact number, but
10 phone calls or an email to them asking.

11 Q Now, beyond that, are you familiar with a National
12 Cyber Crime Conference?

13 A Yes.

14 Q And do you attend that on an annual basis at least?

15 A Yes, I do.

16 Q And with respect to that, what, if any, time at
17 those conferences did you spend dedicated to
18 ascertaining the availability or the supportability of
19 this vehicle with reference to Berla?

20 A So Berla has a booth at the National Cyber Crime
21 Conference. I spoke with their sales team there. Their
22 response was to keep calling Berla, keep pestering
23 them, and they might actually get the support sooner
24 than later.

25 Q And again, were you ever able to ascertain or get

1 the support to download the information from them?

2 A No, unfortunately.

3 Q Now at some point -- at some point, were you able
4 to download any information from that particular
5 infotainment system from the defendant's vehicle?

6 A Not from the infotainment system, but Berla
7 released a new item, similar to a mechanic's scan tool.
8 It plugs into the OBD2 port, which is underneath the
9 dash. So if basically if a mechanic went in there with
10 a scan tool to tell you why you have a check engine
11 light, it just does something similar. So you plug it
12 in, and then it pulls the car diagnostic data from
13 that.

14 Q And as far as the data that you receive from that,
15 what, if anything, did you observe?

16 A Again, I got a series of 14s was the numbers. It
17 was no readable data. I reached out to Perla -- Berla
18 and asked them, I said, you know, is there a reason why
19 it pulled this data, but they when I put it into the
20 software, it's not telling me anything. It's not giving
21 me any readable data. They said they know it is
22 diagnostic data, but haven't gotten anything from Lexus
23 to say, these 14s, these codes mean this. They only
24 know it as emissions.

25 Q And was Berla itself able to read that information,

1 transform that sort of binary code into any sort of
2 readable data for you?

3 A Other than the number 14, no.

4 Q Now, from there, what, if anything, did you do with
5 regard to the Berla in the defendant's vehicle?

6 A It was placed back into our digital evidence lab,
7 and then we did eventually do a chip off to the device.

8 Q With respect, excuse me, to the chip off, that was
9 done sometime in December of 2023; is that correct?

10 A Yes, that's correct. And again, if you could
11 expound upon a little as far as can you describe for
12 the jury sort of the chip process, why you were
13 reluctant to do it, and what's entailed in it?

14 A As I said before, it is a destructive process. As
15 soon as we do it, we take those memory chips off, it's
16 applying extreme amounts of heat to the motherboards to
17 take the memory off that'll heat it. You lose a lot of
18 the soldering and capacitors, anything that's on that
19 motherboard. So like I said, once the memory chips are
20 taken off, it's going to destroy the board.

21 Q And as far as that chip off process, who, if
22 anyone, was present with you, or who, if anyone,
23 assisted you in removing that or conducting that chip
24 off process with regard to the motherboard from the
25 infotainment system from the defendant's vehicle?

1 A I'm sorry. They -- at the time that we actually
2 did the chip off?

3 Q Yes.

4 A It was myself, AG Speake, and Maggie Gaffney.

5 Q And who is AG Speake?

6 A AG Speake is -- has his own forensic company, I
7 guess you could call it, for Berla. He -- I consider an
8 expert in the field. Former California Highway Patrol
9 officer that exclusively handled stolen cars.

10 Q And who is Ms. Gaffney?

11 A She was a defense's expert. She's the one who
12 actually did the chip off, applying the heat, and
13 taking the chips off in our presence. And she, I
14 believe, works for -- I'm sorry the name of the company
15 escapes me at the moment.

16 Q Now, with respect to the information that you, Ms.
17 Gaffney, and Mr. Speake were able to remove pursuant to
18 that chip off process, what if any usable information
19 were you able to glean from that?

20 A As I was told by AG, there was no data that was
21 recovered off the infotainment system or the telematics
22 module with -- from the chip off.

23 Q And as far as Ms. Gaffney, did you have any
24 conversation with her as far as the information that
25 she was able to glean or read or decipher?

1 A No, once she did the chip off, I've not spoken with
2 her since.

3 MR. LALLY: May I have a moment, Your Honor?

4 THE COURT: Yes.

5 Q Now, Trooper Guarino, at some point in late January
6 or early February 2022, were you provided with some
7 laptop -- a laptop and/or desktop computers from the
8 home of Mr. O'Keefe?

9 A Yes, I was.

10 Q And what, if anything, did you do with those?

11 A One was a Dell laptop, the other was an HP all in
12 one desktop. I removed the hard drives from both
13 systems and used --

14 MR. YANNETTI: Objection. May we be seen, Your
15 Honor?

16 THE COURT: Okay.

17 (Sidebar commences:

18 MR. JACKSON: Your Honor, before we address that,
19 somebody has got to say something to the O'Keefes,
20 specifically to Peggy O'Keefe. Her eye rolls, her
21 audible sighs. From where I'm sitting, I just heard
22 her say "Jesus" when Mr. Yanetti objected. I'm getting
23 -- something is not getting through to her. I know the
24 Court has addressed it with the court officers, and
25 admonished both sides to knock it off. She's not. And

1 I heard this morning that during the cross-examination
2 of I don't know who it was -- Paul, Trooper Paul, she
3 was audible making noises and sighs and guffaws while I
4 was questioning the witness. I just needed to put it
5 on the record. It needs to stop, and I'll leave it at
6 that.

7 THE COURT: Okay. Let me address this issue.

8 MR. YANETTI: So on this issue, Your Honor, we're
9 in an area now where I don't believe we have a police
10 report on this. We have no notice of this. I don't
11 know where this is coming from.

12 THE COURT: So you have no notice of what's on
13 their computers or that they ever seized them and
14 looked up?

15 MR. YANETTI: Right. So this testimony that he's
16 currently --

17 THE COURT: What do you say, Mr. Lally?

18 MR. LALLY: Your Honor, this was provided probably
19 two years ago. I'm a little incredulous. I don't know
20 how counsel claims not to have a copy of this report.
21 It's a report where he looks at that, and essentially
22 what he was looking at was to see whether or not there
23 was any connection between those devices and the
24 ring.com, the Ring devices at Mr. O'Keefe's house,
25 which there is not.

1 MR. YANETTI: Oh, so the ultimate conclusion here
2 is he's going to say that he checked for a connection
3 and there was no connection between the computers.

4 MR. LALLY: Yes. So the only connection is between
5 his phone --

6 MR. YANETTI: Between John's phone --

7 MR. LALLY: -- between the devices.

8 MR. YANETTI: Yeah, that's fine. I didn't know
9 where he was going with this but that's fine.

10 THE COURT: All right. So you got mountains of
11 discovery in this case.

12 MR. YANETTI: Well, we did. But I would point out,
13 Your Honor, that the very last conversation that we had
14 about Mr. Whiffin's report was I told you it was not in
15 there and Mr. Lally said that it was.

16 THE COURT: Let's focus on --

17 MR. YANETTI: No, no, I'm just saying. Like, I'm
18 not crazy for saying that we didn't get it, you know.
19 So in any case, it's moot. I'm fine with putting --

20 THE COURT: All right. So I am not finding that the
21 Commonwealth did not give it to you. I just don't want
22 to take the time to have Mr. Lally --

23 MR. YANETTI: Understood.

24 THE COURT: -- go back and find it.

25 MR. YANETTI: Understood.

1 THE COURT: Regarding what you said, Mr. Jackson.

2 MR. JACKSON: Yes, Your Honor.

3 THE COURT: I'm certainly not going to say
4 anything. The court officers can watch it, but, Mr.
5 Lally, would you ask your victim witness people just to
6 talk to her about it.

7 MR. LALLY: I can, Your Honor, if I could and I'm
8 reticent to do this. I've deferred to Ms. McLaughlin,
9 but I think a record needs to be --
10 end of sidebar.)

11 THE COURT OFFICER: Quiet, folks. We're on the
12 record.

13 (Sidebar commences:

14 MR. LALLY: -- made in reference to the months of
15 different things from the defendant, from the
16 defendant's family that have occurred throughout the
17 course of this trial. If there's going to be
18 accusations levied against the O'Keefe family, I think
19 the record needs to be made as to all of the instances
20 of inappropriateness from the other side.

21 THE COURT: All right. So emotions are very high in
22 this case. There's been laughing in court from the
23 defendant's family quite a bit. There have been some
24 sarcastic comments and other comments from counsel that
25 (indiscernible) are inappropriate comments. Emotions

1 are high. We've only got another two weeks. Let's
2 just get through this, okay?

3 MR. JACKSON: I understand. I agree with the
4 Court.

5 THE COURT: Okay. So you don't need to say
6 anything.

7 MR. LALLY: Thank you.
8 end of sidebar.)

9 THE COURT: All right. Mr. Lally, you can continue.

10 Q So, Trooper Guarino, there was a Dell laptop and an
11 HP Pavilion all in one desktop, correct?

12 A Yes.

13 Q These were taken from Mr. O'Keefe's home; is that
14 correct?

15 A Yes, they were.

16 Q What, if anything, did you do with respect to
17 those?

18 A As I said, I took the hard drives out of both
19 machines, they were imaged, and the images were loaded
20 into Axiom to view the data that was on them.

21 Q Now, when you say something was imaged, can you
22 explain to the jury what you mean by that?

23 A Yep. It's a bit for bit copy of the hard drive.
24 Instead of us turning it on and going through it, which
25 would change data, by taking the hard drives out and

1 imaging them, it creates a one for one copy, so that
2 way, we can view it without changing anything in the
3 system.

4 Q And you mentioned a tool called Axiom; is that
5 correct?

6 A Yes.

7 Q And can you explain to the jury, sort of what is
8 that Axiom tool and how does it work?

9 A Yep. It's another forensic tool that we use. It can
10 do cell phones, computers, so you use it to load the
11 images so we can view the data.

12 Q And with respect to the imaging that was done with
13 regard to the Dell laptop and the desktop, what, if
14 anything, was it that you were looking for specifically
15 on those devices?

16 A We were looking for a Ring video to see if either
17 computer was used by Officer O'Keefe as a login machine
18 to handle the account.

19 Q And from your review of what was extracted or
20 imaged from each of those two respective computers,
21 what if any information were you able to glean in
22 reference to Ring.com or anything else?

23 A Neither computer was used. One appeared to be used
24 mostly by the kids and the other, I believe it was a
25 laptop, was used mostly by O'Keefe, but there were no

1 Ring logins.

2 Q As far as the Ring connection, what, if any,
3 devices were you throughout the course of the
4 investigation, were you able to ascertain were actually
5 connected to the Ring cameras at Mr. O'Keefe's house?

6 A Officer O'Keefe's cell phone.

7 Q Now, if there were any other devices, whether they
8 were Mr. O'Keefe's or someone else's, were you able to
9 ascertain from either the Ring footage or the
10 information provided by Ring whether or not there were
11 any other devices beyond Mr. O'Keefe's cell phone that
12 were linked to that account?

13 A Not that I know of.

14 Q And I'm sorry. Just not that there weren't any
15 devices or not that you could tell?

16 A Not that I could tell or that I ever heard of.

17 Q Now, Trooper Guarino, let me ask you some questions
18 in general about a cell phone extraction. Are you
19 familiar with that term?

20 A Yes.

21 Q And can you explain to the jury, sort of, what --
22 what is involved in that and how a cell phone
23 extraction is performed as far as your experience with
24 regard to investigations that you've been involved in?

25 A Yep. So most investigations, we get the cell

1 phones from the scene, from a suspect, from a victim.
2 They're put into airplane mode to preserve the data, so
3 that way a remote wipe can't be sent to the phone from
4 iTunes. If we can't put it into airplane mode, we'll
5 put it into a Faraday bag which blocks the cell phone
6 signal, and then it's brought back to the lab and put
7 into a Faraday box, which is -- it has electrical
8 outlets inside of it so that way we can keep the phone
9 charged.

10 Q And with regard to this investigation, were you
11 involved in the extraction of data or the examination
12 of extracted data from any particular phone?

13 A Yes, I did John O'Keefe's phone, Karen Read's
14 phone, and we had two witnesses' phones, but I don't
15 remember doing the extractions themselves.

16 Q But as far as the data from those phones, have you
17 had an opportunity to look at that data, and
18 specifically I'm asking you about both Jennifer
19 McCabe's phone and Ms. Kerry Roberts' phone?

20 A Yes, I have.

21 Q Now, were you also at some point provided with some
22 material from Brian Higgins's phone?

23 A Yes, I saw screenshots of text messages.

24 Q And from the material that you were provided with
25 reference to Mr. Higgins's phone, were you then able to

1 cross reference that eventually, at some point, with
2 respect to the information in both Ms. Read's phone and
3 Mr. O'Keefe's phone?

4 A Yes, I was.

5 Q And what you reviewed was the information contained
6 within the material provided by Mr. Higgins, was that
7 consistent with what you observed in Ms. Read's phone
8 as well Mr. O'Keefe's phone?

9 A Yes, I didn't see any differences in those
10 messages.

11 Q Now, with respect to -- starting with Ms. Read's
12 phone. That was received by you on January 29, 2022;
13 is that correct?

14 A That's correct.

15 Q And do you recall about what time it was and where
16 you were when you received that phone?

17 A I want to say six or seven o'clock at night at the
18 Norfolk DA's Office.

19 Q And who did you receive that phone from?

20 A Trooper Proctor.

21 Q And with reference to that phone, what condition
22 was it in at the time as far as you referenced airplane
23 mode, Faraday bag, things of that nature, how was it
24 sort of when you received it?

25 A I believe it was in airplane mode. The phone was in

1 good working order, the -- and it was placed downstairs
2 in our lab, plugged in to keep the phone battery
3 charged.

4 Q Now, the same with respect to Mr. O'Keefe phone,
5 when and from whom did you receive that and what kind
6 of condition was that in when you received it?

7 A I also got that from Trooper Proctor the same time
8 as Ms. Read's phone, same condition.

9 Q Now, with respect to the defendant's phone, at the
10 time that you received it, did you have any pass code
11 or any way to get into the phone?

12 A I'm sorry, who's phone?

13 Q Ms. Read's phone.

14 A Oh, no, the software we use to try to bypass
15 passwords to be able to extract the evidence, or I
16 should say the extraction of the data to look at for
17 evidence, her phone at that time was not supported.

18 Q Now, what, if anything, did you do with her phone
19 in regard to that?

20 A Again, made sure it was in airplane mode and just
21 kept it plugged in until such time as the phone was
22 supported and then we could download it.

23 Q Are you familiar with a device called GrayKey?

24 A Yes.

25 Q And can you explain to the jury what that is and

1 what, if anything, you did with regard to the
2 defendant's phone and the GrayKey device?

3 A Yep, so GrayKey is, again, specialized hardware and
4 software used to plug in the phones. It can do Apple or
5 android phones to bypass passwords.

6 Q And how does that sort of function or how does that
7 work as far as when you hook something cell phone or a
8 cellular device, and hook it up to a GrayKey tool, what
9 is it doing and how does it work?

10 A If I knew that, I'd be a millionaire. But the -- it
11 basically installs software onto it, and instead of
12 when you put in ten passcodes to an iPhone, on the
13 tenth one, if it's wrong, it kills the phone forever.
14 This has some secret software that's able to bypass
15 that and basically keep it in the phone with passcodes
16 until it finds the right one.

17 Q It essentially runs a bunch of different
18 combinations or passcodes into the phone until it comes
19 up with one that actually opens the phone?

20 A Yes, that's correct.

21 Q And at some point, did the GrayKey device actually
22 break into the defendant's phone?

23 A Yes, it did.

24 Q Do you know about when that was in relation to when
25 you received it?

1 A Yeah. So we got the phone in January. It took, I
2 believe, support came out in I want to say May or June.
3 I don't remember the exact month. But we didn't
4 actually get the passcode until August 16th of 2022.

5 Q And once that passcode was essentially broken into
6 by the GrayKey device, then you're able to look into
7 the phone; is that correct?

8 A Yes, once the pass is obtained, we download the
9 data, and then we're able to take that extraction data
10 and then open it up in Cellebrite or Axiom or whatever
11 tool we're going to use to view it.

12 Q And the tools, as far as you're referring to,
13 Cellebrite and Axiom, are you familiar with those tools
14 through your course of your investigation with regard
15 to electronic devices?

16 A Yes.

17 Q And if you could explain to the jury sort of when
18 you say Cellebrite and Axiom, as far as then tools are
19 concerned, how do they work, and sort of, what is it
20 that you do with the device with reference to
21 Cellebrite?

22 A So what do we do with the extractions once we go to
23 open them?

24 Q How is the information extracted first of all, and
25 then what, if anything, do you do with it after?

1 A So GrayKey will pull the extraction. Well, it just
2 -- once the codes received, again, uses its software,
3 pulls the data out, puts it into an encrypted it's MD
4 five or shy(ph). It's an encryption key that has a --
5 it's a unique key that so if you change anything inside
6 that ZIP file, it would change the encryption number to
7 show that something was tampered with. We take that
8 encrypted ZIP file and we open it up in the software,
9 and that's able to say, you know, the call logs, the
10 chats, the photos, time, the whole timeline of the
11 phone.

12 Q Now, in addition to yourself, is there anyone else
13 that works in this sort of capacity within your unit at
14 the district attorney's office?

15 A Yes, two other people.

16 Q And who are those two other people?

17 A The director of our lab, Samantha Voat and Trooper
18 Connor Keefe.

19 Q Now beyond yourself, Trooper Keefe, and Ms. Voat,
20 anybody else from the detective unit, as far as the
21 troopers would they have access to these devices being
22 defendant's, Mr. O'Keefe's, Ms. McCabe's, and Ms.
23 Robert's?

24 A If they're in the digital evidence lab, no. Once
25 the data is extracted from them, normally, we give them

1 back to the investigator or return to family, so that
2 would be the only time that they would have access to
3 the devices, or unless we kept them in the lab for --
4 just for, I don't want to say safekeeping, but just for
5 storage reasons.

6 Q Now, with reference to your review of any of the
7 extractions related to any of those four devices, at
8 any point in time, did you observe anything in
9 reference to any information being taken off or deleted
10 from any of those devices at any point in time?

11 A No, sir.

12 Q Now, with respect to Ms. Read's device, the
13 defendant's device, it was sometime in August of 2022
14 that the GrayKey was able to break into pass code to
15 get into the device, correct?

16 A That's correct.

17 Q And so then once an extraction is done, that's then
18 subsequently reviewed by someone within your unit; is
19 that correct?

20 A Yeah. So again, normally, the investigators for the
21 homicides know far more information about the crime and
22 what occurred. So if need be, I'll load the phone up
23 for them. They can go through it because they know what
24 they're looking for. If they ask me, I'm happy to go
25 through if they can say, you know, I'm looking for

1 calls between this time period, or, you know, GPS
2 locations, things like that.

3 Q Now, with reference to the defendant's phone, at
4 some point were you made aware that there was some
5 privileged information contained within her phone?

6 A Yes, I was.

7 Q So as a result of that, what, if anything, happened
8 with the phone from there?

9 A We notified our supervisors, and we did not look at
10 her extraction until the privileged communications
11 could be removed, and then we could, again, go back and
12 re-inspect the data.

13 Q Now, as far as the -- that whole process that was
14 undertaken in regard to that, how long a time period,
15 or when was it that you were able to have the
16 privileged information extracted and then actually get
17 to look at the defendant's phone?

18 A It took months. I don't think we got it back from
19 the AG's office until later, I don't know, springtime
20 of 2023-ish.

21 Q Now, with respect to the extraction from each of
22 these four respective devices, that being the
23 defendant's, Mr. O'Keefe's, Ms. McCabe's, and Ms.
24 Roberts', what kind of tools were used to conduct those
25 extractions, sir?

1 A GrayKey, Windows 10, and then Cellebrite Physical
2 Analyzer, and Axiom - their program. Magnet's program.

3 Q And so as far as -- I guess my question is as far
4 as the different devices that are used, why are there
5 different devices, and what is it that say one does
6 versus the other?

7 A So they both do great work with, you know, decoding
8 the data. I've noticed that Axiom does a better job at
9 pulling GPS spots because it gives a speed and an
10 estimated range of how strong the GPS signals are. As
11 opposed to Cellebrite, they give native locations, but
12 they don't have that extra data with it. So I like to
13 look at both tools to make sure that I'm seeing
14 everything that I need to.

15 Q Now, with respect to the defendant's phone, you at
16 some point reviewed the extraction from the defendant's
17 phone, correct?

18 A Yes, I did.

19 Q And with respect to that phone, what, if anything,
20 did you observe with regard to GPS locations associated
21 with that device?

22 A I didn't see that many, maybe a handful, showing
23 different spots in Canton, but nothing that stood out
24 to me.

25 Q Now, with respect to your review of the phone,

1 what, if anything, were you able to ascertain as to
2 whether or not those GPS locations were allowed or
3 permitted or turned off or on by you?

4 A I can't say. I don't -- I didn't see anything like
5 I said that stuck out to me. Normally, if the GPS
6 points aren't there, then location services are
7 probably turned off.

8 Q But what I'm asking though, is the device itself
9 was capable of retaining that data as far as GPS
10 locations, correct?

11 A Yes, if it's turned on.

12 Q And there were no real GPS locations, to speak of,
13 that you observed in your review of the extraction
14 of the defendant's, correct?

15 A Yes, that's correct.

16 Q Now, with regard to Mr. O'Keefe's phone, what, if
17 anything, were you able to ascertain from that as far
18 as GPS locations were concerned?

19 A There's quite a bit, especially on January 29.

20 Q Now, sir, before -- before we get into that, if I
21 could ask you some questions in regards to Ms. McCabe's
22 -- excuse me -- phone extraction. You had occasion to
23 review that; is that correct?

24 A Yes, sir.

25 Q And so in regard to that also, you had mentioned

1 that you had reviewed an affidavit from a defense
2 expert or defense witness named Mitchar -- Mr. Richard
3 Green, correct?

4 A That's correct.

5 Q And based on your view of that, what, if anything
6 -- based on your review of what Mr. Green said or did,
7 what, if anything, did you then in regard to Ms.
8 McCabe's phone?

9 A So I basically went point by point through his
10 report to confirm or deny if what he was placing in
11 there was true.

12 Q And what, if anything -- what, if anything, were
13 you able to ascertain or learn from going through Ms.
14 McCabe's phone with reference to what Mr. Green stated?

15 MR. YANNETTI: Objection.

16 THE COURT: I'll allow that.

17 A It was mostly incorrect.

18 Q And when you say mostly incorrect, what was mostly
19 incorrect?

20 A So he states that there's a Google search that's
21 done at 2:27 in the morning that immediately stuck out
22 to me, because when I went back and looked, that file
23 that was parsed was not from the database that should
24 have showed searches. This came from the session state
25 tabs for Safari, which is a big red flag. It also came

1 from a WAL file, which is a dropping ground for where
2 data is put before it's actually put into the main
3 database itself. And then once it reaches a certain
4 point, that data is automatically deleted by the
5 device, not by a user, which Mr. Green had stated that
6 a search was done and then it was purposely deleted.

7 There was also items regarding phone calls being
8 deleted. Again, they came from a WAL file. Looking at
9 it, again, it's stored in the Knowledge C, the main
10 database. It's all stored in the biome showing in the
11 extraction which is another storage area that Apple is
12 using. Again, nothing. Most of the stuff that I was
13 reading in his report was either incorrectly, I don't
14 know, written down, or he's interpreted it incorrectly.

15 Q Now, with regard to -- with regard to the phone
16 calls or the contacts that Mr. Green indicated were
17 user deleted or deleted by the user. What, if any,
18 information did you look into in regard to that? What,
19 if anything, did you ascertain in regard to that?

20 A Yeah, so he stated that Ms. McCabe had deleted 18
21 phone calls from the morning after John O'Keefe's body
22 was found. Looking at the data from her call log,
23 those calls, while they do show marked as deleted,
24 again, they come from the WAL file, and they're also
25 located in two other parts of the database. Again, as a

1 user of an iPhone, you can't go in and just delete
2 these files. They're handled by the operating system.
3 It's impossible.

4 Q So as far as what if any opinion do you -- well,
5 let me ask you this first. As far as a WAL or a write
6 ahead file, can you explain that what you understand
7 that term to mean to the jury as it pertains to these
8 particular?

9 A Yeah. So as I said, these files are dropping
10 grounds. So when you're using your apps, using the
11 phone, it takes that data, puts it into this WAL file
12 until it you either close the app, or you shut down the
13 phone or it reaches a certain number of data in the
14 phone, that WAL file will automatically delete from the
15 phone. So this can be on a first in/first out basis.
16 Again, like I said, it could be when data reaches a
17 certain level, but those calls that are being marked as
18 deleted, Cellebrite's saying it's -- it doesn't mean
19 the user deleted them. It just means they're being
20 removed from the WAL file.

21 Q And you indicated that from your review of the
22 phone extraction, there were other areas or other
23 databases face these -- excuse me -- within the phone
24 that contained that same information?

25 A Yes, so the main database of the iPhones is the

1 Knowledge C database. They're also using Biome and then
2 if you're using the newest software now, it's another
3 area I won't bore you with, but depending on the iOS
4 you're using for the phone, it's going to depend on
5 where that data is being stored.

6 Q Now, specifically with respect to Ms. McCabe's
7 phone, one of the contentions Mr. Green had was in
8 regard to a contact for Brian Albert; is that correct?

9 A Yes, that was another one.

10 Q With respect to that, what, if anything, were you
11 able to find within Ms. McCabe's phone in regard to
12 contact information for Brian Albert?

13 A Yeah, so Mr. Green was report said that he located
14 a deleted screenshot of Brian Albert's contact that was
15 in her phone. The contact for Brian Albert was still in
16 her phone, not deleted, so I don't know, maybe she just
17 deleted the screenshot.

18 Q Now, with respect to Ms. McCabe's phone, what, if
19 anything, did you do with regard to the call log
20 history in Ms. McCabe's phone?

21 A I export it all out to a PDF so I could view it,
22 and again, like I said, there's I think eleven hundred
23 and four phone calls from going all the way back to
24 October of 2020, I want to say. And phone calls,
25 FaceTime, they're all -- the calls are there, all the

1 records, and they're all stored in different areas of
2 the phone. The only ones that show the WAL file deleted
3 were the ones from the 29th going up to the end,
4 towards the end of the day on the 29th.

5 Q And now, with respect to the call history, where --
6 where or how is that typically stored within an iOS
7 device?

8 A Data that's stored in the call store dash SQLite
9 database.

10 Q And with reference to what, if any, difference
11 storage-wise is that SQLite database versus the WAL
12 file?

13 A So again, yeah, that database where the call logs
14 are sent, it's going to have a corresponding WAL file
15 where the data is going to be put temporarily and then,
16 as I said, it gets automatically deleted by the iOS by
17 the operating software. It's not user enabled.

18 Q So from your view of those 1,104 phone call history
19 records contained within the extraction of Ms. McCabe's
20 phone, what, if any, opinion do you have in regards to
21 whether or not those items were deleted by any user?

22 A I don't believe they were. And I actually will say
23 one of the phone calls was from the actual main call
24 store database that could have been user deleted if,
25 but again, it's in two other spots in the operating

1 system, so I don't know how or why the iOS stores it
2 the way it does and then marks what.

3 Q Now, sir, from your review of the four phone
4 extractions that you've reviewed in this case, were you
5 able to export or print certain chat reports from
6 specific people's phones or between -- from specific
7 people's phones with other individuals?

8 A Yes, I was able to.

9 MR. LALLY: And, Your Honor, may I approach?

10 THE COURT: Yes.

11 MR. LALLY: May I have a moment, Your Honor?

12 THE COURT: Yes.

13 Q And, sir, I'm showing you what's been marked as
14 Exhibit 48.

15 A Okay.

16 Q Do you recognize -- excuse me -- do you recognize
17 that, sir?

18 A Yes.

19 Q And what do you recognize that to be?

20 A The first page is Facebook Messenger chats between
21 Karen Read and John O'Keefe.

22 Q And what's contained in there, is that a fair and
23 accurate portrayal of what you observed from the
24 extraction from Mr. O'Keefe's phone?

25 A Yes, it is.

1 Q And specifically, with reference to those chats
2 between Mr. O'Keefe and the defendant, you also
3 reviewed that material from the defendant's phone as
4 well?

5 A Yes, I did.

6 Q The material that you reviewed from the defendant's
7 phone, is that consistent with what you observed in Mr.
8 O'Keefe's phone?

9 A Yes, it is.

10 MR. LALLY: And, Your Honor, with the Court's
11 permission, if I could request certain portions of
12 what's been marked as Exhibit 48 being published to the
13 jury as we go through them.

14 THE COURT: Okay.

15 Q Sir, if I could just start you out on page 1.

16 A Okay.

17 MR. LALLY: Ms. Gilman, if could have that up on
18 the screen.

19 Q Now, with respect to what's up on the screen the
20 portion that you can see, do you recognize this, sir?

21 A Yes, I do.

22 Q Is that what you have before you as Exhibit 48?

23 A Yes.

24 Q Now, within this particular from the perspective of
25 this, it's from Mr. O'Keefe's phone; is that correct?

1 A Yes, it is.

2 Q So there will be blue bubbles and green bubbles; is
3 that correct as well?

4 A Yes.

5 Q And so who from as far as the blue bubbles are
6 concerned, who is speaking in that bubble?

7 A The blue bubbles will be from Ms. Read and the
8 green bubbles are from Officer O'Keefe.

9 MR. LALLY: Now, Ms. Gilman, if you could please
10 scroll down.

11 Q Now, with respect to what's contained on this page
12 1 at the bottom, if you could read the date and the
13 time and indicate who is speaking and what is said
14 there, sir?

15 A So the blue bubbles is Karen Read and 1/28/2022, at
16 3:30 p.m. "Hello." John says, "Hi," at 3:35 p.m.

17 MR. LALLY: I'm sorry. May I approach, Your Honor?

18 THE COURT: Yes.

19 A Yep, those are the Facebook ones.

20 Q I'm sorry. What's contained in Exhibit 48 is the
21 entirety of the chat report from Mr. O'Keefe's phone,
22 correct?

23 A Yes, I believe so.

24 Q Okay.

25 MR. LALLY: May I approach, Your Honor?

1 THE COURT: Yes.

2 Q My apologies. Showing you another document. Do you
3 recognize that?

4 A Yes.

5 Q What do you recognize that to be, sir?

6 A These are the native chats, native messages from
7 John O'Keefe and Karen Read.

8 Q So these are just specifically broken down as far
9 as the chats between Mr. O'Keefe's phone and Ms. Read's
10 phone, correct?

11 A Correct.

12 Q And as far as your review of both of the
13 extractions from both of those phones, the material
14 contained within Mr. O'Keefe's phone is consistent with
15 the material contain in the defendant's phone, correct?

16 A Yes, that's correct.

17 MR. LALLY: Your Honor, may I approach?

18 THE COURT: Yes.

19 MR. LALLY: Commonwealth would seek to introduce
20 and admit as the next exhibit.

21 MR. JACKSON: No objection.

22 THE COURT: Okay.

23 (Whereupon Exhibit No. 627, Large Packet of Text
24 Messages between John O'Keefe and Read, was marked as
25 an exhibit.)

1 MR. LALLY: If that could be returned to the
2 witness, Your Honor. If we could -- with the Court's
3 permission, if we could publish that?

4 THE COURT: Yes. Go right ahead.

5 Q And now, Trooper Guarino, do you recognize what's
6 up on the screen as the next exhibit, sir?

7 MR. LALLY: Ms. Gilman, I'm sorry, if you could
8 scroll down just a little bit.

9 A Yes.

10 Q And again from this first page, if you could, blue
11 bubble is from Ms. Read; is that correct?

12 A Yes, that's correct.

13 Q And green bubble being from Mr. O'Keefe; is that
14 correct?

15 A Yes.

16 Q And if you could again read from this first page as
17 far as date, time, who is speaking and what it says.

18 A At 9:49 a.m., Karen says, "You've really hurt me
19 this time." 10:02 a.m., I'm sorry. This is -- I'm
20 sorry. It's kind of hard to read. I'm sorry. This has
21 been an issue with me for eight years. It physically
22 hurts me to see everyone else in their -- in their life
23 do things for them, and I've forced to always be the
24 bad guy.

25 At 10:09 a.m., Karen says, "I am not the same as

1 everybody else. Most of the time, I try to do what is
2 healthy/smart for them. More importantly, I try to
3 support you and what you need. You just lashed out at
4 me and said terrible things. I don't know -- I don't
5 know how you've gone to this point with me when I'm
6 just trying to -- trying my hardest. You made the point
7 -- you made your point and continued to beat me down. I
8 have a lot going on, too. Physically, I'm falling apart
9 and trying to get answers and help."

10 Q If I could stop you there, sir. If I could direct
11 your attention to --

12 THE COURT REPORTER: A little louder, please, sir.

13 MR. LALLY: My apologies.

14 Q Sir, if I could direct you to page 5.

15 A Okay.

16 Q I'm sorry. Bottom of page 4.

17 A All right.

18 Q And starting with the blue bubble on the bottom of
19 page 4, again if you indicate as to who is speaking,
20 what is said, and the date and time, sir?

21 A Karen says to John at 1:21 p.m. on the 28th, "Maybe
22 you can call someone."

23 Q And if you could continue on to page 5, sir?

24 A On the 28th at 1:46 p.m., John says, "Like who?"

25 And at 1:47 p.m., "What time are you coming here?" And

1 then there is at 2:05 there's a message, but no
2 content.

3 Q And the next message at 2:06, sir?

4 A Yes, 2:06 from Karen, "I don't know what time. I
5 feel kind of out of it. Just trying to clear my head."
6 2:06 p.m., John writes back, "Okay." 2:06 p.m., again.
7 Karen says, "Text me later when you guys settle in
8 later." I'm sorry. "Text me when you guys settle in
9 later." John says, "Sure," at 2:06 p.m. again. Karen
10 says at 2:16, "I feel pretty shitty about this," excuse
11 me. "I feel pretty shitty about how this morning went
12 down. I know you said sorry, but it really stung,
13 especially when I've been trying pretty hard lately. I
14 feel like a loser, turning around, just coming back
15 over after everything you said."

16 Q If I could ask you to continue on at page 7, sir.

17 A Okay. At 2:17 p.m. John says, "Not sure what else
18 you want me to do. I said I'm sorry, and I was out of
19 line. If you prefer to stay home, I totally get it."
20 Karen replies back at 2:17, "Things in my own life have
21 been difficult, too, you know." John writes back at
22 2:17, "I know." At 2:25 p.m., "Tell me if you're
23 interested in someone else. Can't think of any other
24 reason you've been like this," from Karen.

25 Q If you could continue onto page 8, sir.

1 A At 2:25, John responds back, "Nope. Things haven't
2 been great between us for a while. Ever consider that?"
3 That was at 2:26. At 2:29 he writes, "Kids are here.
4 Not in the mood to talk."

5 Q And how does the defendant respond to that at the
6 bottom of page 8?

7 A "So you're not into it anymore. That's fine, but I
8 don't want to keep trying and you keep treating me like
9 this," at 2:29 p.m.

10 Q If I could direct you to the next page 9.

11 A Yep. Ms. Read says, "I'm trying to hug and kiss you
12 this morning and you whack me in the face with a
13 pillow," at 2:29. At 2:30 she says, "Last night,
14 you're basically like, yeah, what about, when we talk
15 about the future. So why don't you just admit you're
16 not into it so much anymore?" At 2:30 -- oh, sorry.

17 Q Go ahead.

18 A I was going to say at 2:30, John says, "Not how it
19 went down, but okay."

20 Q And how does Ms. Read respond to that?

21 A "Can you please admit your head is out of the game
22 -- out of the game with us."

23 Q And if you could, sir, please continue on to the
24 top of page 10.

25 A Okay. At 2:32 p.m., "Sick of always arguing,

1 fighting. It's been weekly for several months now. So,
2 yeah, I'm not as quick to jump back into being lovey
3 dovey as you apparently," from John. And then John
4 again at 2:32, "Oh, my God. Stop calling."

5 Q Let me stop you there for just a moment, sir.

6 A Okay.

7 Q With regard to January 28, were you also able to
8 extract a report specifically in regard to calls
9 received by Mr. O'Keefe on that day?

10 A Yes, I was.

11 Q I mean on that date into the next date of January
12 29?

13 A Yes.

14 MR. LALLY: May I approach, Your Honor?

15 THE COURT: Yes.

16 Q Trooper Guarino, I'm showing you a document and ask
17 you to take a look. Just look up when you are
18 finished.

19 A (Witness complies.) Okay.

20 Q Do you recognize that, sir?

21 A Yes, it's John O'Keefe's call log.

22 Q And that's the entirety of the call log from
23 January 28th into 29th; is that correct?

24 A Yes, from the 28th at 9:19 a.m., to the 29th at
25 6:03 a.m.

1 MR. LALLY: May I approach, Your Honor?

2 THE COURT: Yes.

3 MR. LALLY: Commonwealth would seek to introduce
4 this as the next exhibit.

5 MR. YANNETTI: No objection.

6 (Whereupon Exhibit No. 628, Cellebrite Extraction of
7 John O'Keefe Call Log, was marked as an exhibit.)

8 MR. LALLY: May I approach again, Your Honor?

9 THE COURT: Yes.

10 Q Trooper Guarino, showing you another document.
11 Just ask you to review that and look up when you're
12 finished.

13 A (Witness complies.)

14 Q And do you recognize that, sir.

15 A Yes, this is Karen Read's call log from January
16 29th at 12:33 a.m. to January 29th at 6:03 a.m.

17 Q And those are specifically calls between the
18 defendant and Mr. O'Keefe, correct?

19 A Yes, that is correct.

20 MR. LALLY: May I approach again, Your Honor?

21 THE COURT: Yes.

22 MR. LALLY: Commonwealth would seek to introduce
23 and admit as the next exhibit.

24 MR. YANNETTI: No objection.

25 (Whereupon Exhibit No. 629, Cellebrite Extraction of

1 Karen Read's Call Log with John O'Keefe, was marked as
2 an exhibit.)

3 Q Now, Trooper Guarino, from the text messages that
4 you were just testifying from, Mr. O'Keefe indicates
5 "OMG. Stop calling," 2:32 p.m.; is that correct?

6 A Yes, that is correct.

7 Q Now, from your review of those call logs, how many
8 times did the defendant call Mr. O'Keefe on January 28,
9 from approximately 9:19 a.m. to about 2:58 p.m.?

10 A There's 18 calls from -- yeah, 9:19 to about 2:59
11 p.m.

12 Q And those calls are listed within those records as
13 various as far as rejected or missed or answered or
14 things of that nature; is that correct?

15 A Yes, that is correct.

16 Q How many of them are rejected?

17 A Eleven.

18 Q How many of them are missed?

19 A Four.

20 Q And how many are answered?

21 A Three.

22 Q Now, following that text message at 2:32 p.m. from
23 Mr. O'Keefe to the defendant asking her to stop calling
24 him, does the defendant keep calling him?

25 A Yes, she does.

1 Q And at some point, does Mr. O'Keefe call Ms. Read
2 back?

3 A Yes, at about 3:00 p.m. on the 28th. Let me double
4 check.

5 MR. LALLY: May I approach, Your Honor?

6 THE COURT: Yes.

7 Q Trooper Guarino, I can take each of the call logs
8 but I want you to keep one.

9 A Okay.

10 Q Now, Trooper, if I could turn your attention back
11 to page 10 on the text messages with respect to --

12 THE COURT: Okay. So, Mr. Lally, when you put your
13 head down and when you walk away, we can't hear you,
14 and so there won't be a record of this. So you have to
15 keep your voice up.

16 MR. LALLY: I will do, Your Honor. I apologize.

17 THE COURT: Well, you just said -- you just put
18 your head down and your voice went down. So keep your
19 voice up. It's really important you do so.

20 Q Trooper Guarino, turning your attention back to
21 page 10 of these text messages. If you would read from
22 Ms. Read's response to Mr. O'Keefe at 2:32 p.m.

23 A Yes, so at 2:32 p.m. she says, "Why would you start
24 with me this morning?" And then followed up by at 2:33,
25 "You're setting me up to fail."

1 Q And if I could turn your attention to page 11 and
2 ask you to continue from there?

3 A Ms. Read says, "You start of," excuse me, "You
4 start a number of fights from your end, John," and
5 that's at 2:33. At 2:33 John writes back, "I've
6 explained it a few times already, not doing it again."

7 Q And how does the defendant respond to that?

8 A "So you're not into this anymore?" And then John
9 says, "Not into fighting all the time, correct." That's
10 at 2:34 p.m.

11 Q If I could turn your attention to the top of page
12 12?

13 A Yes, at 2:34, Ms. Read says, "If you tell me you're
14 interested in someone else, you will never hear from me
15 again. You can have all the space in the world." John
16 writes back that there's no -- no content at 2:34. And
17 then at 2:34 she says, "Then stop starting with me."

18 Q How does Mr. O'Keefe respond to that?

19 A At 2:34 he writes back, "I'm not answering. Stop
20 calling."

21 Q And if you could -- if I could turn your attention
22 to the top of page 13.

23 A Ms. Read says, "Can you please answer after how you
24 treated me earlier?" John responds back at 2:35,

25 "(c) [REDACTED] is right here." Ms. Read says, "You're

1 starting a rager with me out of nowhere. And then you
2 tell me you're sick of fighting with me," at 2:35. She
3 writes at 2:38, "I'm going to grab a drink in a
4 bit."

5 Q If I can direct you to the top of page 14, sir.

6 A Yep. She says, "Can you answer, please," at 2:38.
7 He writes back at 2:39, "No, Karen. Not sure why you
8 need to announce that you're going drinking but have
9 fun." Karen writes back at 2:40, "Seeing if you want to
10 meet me later. Can you please call me right after
11 that?"

12 Q And again, if I could direct you to the top of page
13 15?

14 A John writes back at 2:40, "Have to take him to the
15 doctor. He has practice." Ms. Read writes back, "Yeah,
16 five minutes." John writes back at 2:43, "My father
17 just walked in." Karen writes back, "Okay. Can you
18 please call me for two minutes," at 2:44.

19 Q And the top of page 16, sir?

20 A At 2:44 John writes back, "Not right now." Karen
21 writes back, "I'm there when anyone else needs me," at
22 2:44, and at 2:46, "Yes, John, you gave me utter grief
23 this morning. I'd like you to call me for a mins."

24 Q And the last one from that page, sir?

25 A Yep. And at 2:47, "I've been trying to get over

1 the hump with our with is arguing, and now you're
2 telling me you're not into things. If you don't want
3 to fight weekly, but fly off the handle at 8:00 a.m.
4 with me, like you're setting me up to fail."

5 Q Sir, if I could draw your attention to page 42.
6 And, sir, if I could ask you to start reading from the
7 top of page 42.

8 A Yep. At 7:41 p.m., Karen writes, "Okay. Let me
9 know if you end up leaving." John writes back at 7:42,
10 "Why? Now you're not coming?" Karen writes back, "I'm
11 waiting for the plumber. Actually think he's in the
12 driveway," 7:42. John says, 7:43, "We're taking Mike's
13 car, so I'm relying on you for a ride home if he
14 leaves." Karen writes back at 7:43, "He's not going
15 home after?" John writes back at 7:43, "Eight on a
16 Friday. He may have to get Michael," and, "You have a
17 plumber coming over at 8:00. Knowing me and Papa, could
18 have handled it. Good luck," and that was at 7:44.

19 Q Thank you, sir. If I could direct your attention to
20 page 49.

21 A Okay.

22 Q If I could ask you to start from the page of 49 --
23 page 49, sir?

24 A Yep. 8:29 p.m., "Yeah, but he lives right down the
25 road." John writes back at 8:30, "Karen, this storm is

1 going to be intense. Can't drive." 8:30 she writes
2 back, "Okay, well, if he can't, he can't." John writes
3 back, "I'll do it Monday." Karen responds at 8:31,
4 "Huh? I better not still have this problem on Monday."
5 John writes back, "Plan on being there." Karen writes
6 back at 8:32, "I'd like to know I could take a hot
7 shower here if I need to." John writes back, "Figured
8 you'd be in Canton until Monday."

9 Q If I could direct you to the top of next page 51.

10 A "John, I'm getting off my phone. Let me know what
11 you're doing." Karen writes back at 8:33, "I think the
12 four of us together is toxic to this relationship.
13 Would like to limit it," and says, "You've said so
14 yourself for probably a year now," and John writes back
15 at 8:33, "Blizzard tomorrow. Nobody is going
16 anywhere."

17 Q Sir, if I could direct you to the top of page 52.

18 A Okay. Karen says, "Maybe I'll come back late
19 tonight. Bad snow is in the early a.m." That's at 8:35,
20 and again, 8:35, "I'll head up there in a few minutes.
21 Let me know if you leave." John replies back, "Sure."
22 And then the next one's not until 12:55 in a.m. on the
23 29th, "I'm going home."

24 Q And the, "I'm going home," is from the defendant at
25 12:55 a.m.; is that correct?

1 A Yes, that is correct.

2 Q And if I can direct your attention to the top of
3 page 53.

4 A Yes, at 12:55, again, "See you later." At 1:02,
5 "Your kids are cucking alone." 1:29 at 1:04am, "I'm
6 back in Mansfield. The kids are home alone."

7 Q Thank you, sir.

8 MR. LALLY: Your Honor, may I approach to retrieve?

9 THE COURT: Yes. Can I see counsel at sidebar about
10 scheduling?

11 (Sidebar commences:

12 THE COURT: How much longer do you have with him?
13 If we go a half hour, will you finish?

14 MR. LALLY: Probably not but close to it. I think
15 we might be a little bit longer than that.

16 THE COURT: What's that?

17 MR. LALLY: It might be a little longer than that.

18 THE COURT: Okay. How long do you have with him?

19 MR. YANETTI: I probably have an hour I'd say.

20 THE COURT: Okay. So we'll do all this -- you can
21 continue, if you want to continue. You can continue 15
22 minutes or so. Why don't I ask the jurors if they want
23 to go home or not? I think the nature of some of
24 the --

25 MR. YANETTI: A lot of dry testimony today.

1 THE COURT: I'll ask if it's okay then if we go to
2 4:15. How's that?

3 MR. LALLY: Sure.

4 MR. YANETTI: I don't care either way. Whatever
5 you think, Judge.

6 THE COURT: All right. Let me see if they can go.
7 end of sidebar.)

8 THE COURT: Jurors, can we keep going a little
9 while? We won't finish with this witness, but can we
10 go until 4:15? I know it's been a long day, but does
11 that work for you all? All right. Thank you very much.
12 So why don't we do that, and then I'll talk about
13 scheduling after.

14 MR. LALLY: Your Honor, may I have one moment?

15 THE COURT: Yes.

16 MR. LALLY: May I approach just to retrieve?

17 THE COURT: Yes.

18 Q Now, Trooper Guarino, you were also able to get
19 some chats as well as some phone calls between the
20 defendant and certain individuals; is that correct?

21 A Yes.

22 MR. LALLY: And may I approach, Your Honor?

23 THE COURT: Yes.

24 Q I'm showing you two documents. Could you review
25 those?

1 A (Witness complies.) Okay.

2 Q And do you recognize those, sir?

3 A Yes, I do.

4 Q And what do you recognize those to be?

5 A The single page is Karen Read to Laura Sullivan
6 phone calls, or, I should say, yep, calls from Laura
7 Sullivan to Karen Read, and the other one is Karen Read
8 and Laura Sullivan's chat messages.

9 Q What's contained in those documents, is that a fair
10 and accurate portrayal of what you were able to extract
11 from the defendant's phone?

12 A Yes, sir.

13 MR. LALLY: May I approach again, Your Honor?

14 THE COURT: Yes.

15 MR. LALLY: Commonwealth would seek to introduce
16 and admit as the next two exhibits.

17 MR. YANNETTI: No objection.

18 THE COURT: Okay.

19 (Whereupon Exhibit No. 630, Cellebrite Extraction of
20 Chats Between Karen Read and Laura Sullivan, was marked
21 as an exhibit.)

22 (Whereupon Exhibit No. 631, Cellebrite Extraction of
23 Calls Between Karen Read and Laura Sullivan, was marked
24 as an exhibit.)

25 MR. LALLY: May I approach, Your Honor?

1 THE COURT: Yes.

2 Q Showing you a document, sir. Do you recognize
3 that?

4 A Yes, these are Karen Read and Erin O'Keefe phone
5 call.

6 Q And what is contained in that, is that a fair and
7 accurate portrayal of what you observed conducted in
8 the extraction of the defendant's phone with regard to
9 the communications with Erin O'Keefe?

10 A Yes.

11 MR. LALLY: May I approach again, Your Honor?

12 THE COURT: Yes.

13 MR. LALLY: Commonwealth would seek to introduce it
14 as the next exhibit.

15 THE COURT: Okay. There's no objection, Mr.
16 Yannetti, right?

17 MR. YANNETTI: One moment. No objections.

18 (Whereupon Exhibit No. 632, Cellebrite Extraction -
19 Karen Read/Erin O'Keefe Call Log, was marked as an
20 exhibit.)

21 MR. LALLY: Your Honor, may I approach the witness?

22 THE COURT: Yes.

23 Q I'm showing you what's previously been marked as
24 Exhibits 51 and 52. I'd ask if you recognize those.

25 A Yes, these are phone calls from Karen Read and

1 Katie Camarano and 52 is chats between Karen Read and
2 Katie Camarano.

3 MR. LALLY: May I approach just to retrieve, Your
4 Honor?

5 THE COURT: Yes.

6 Q What's contained in those Exhibits 51 and 52, is
7 that a fair and accurate portrayal of what you observed
8 during the extraction of the material from the
9 defendant's phone?

10 A Yes.

11 MR. LALLY: May I approach again, Your Honor?

12 THE COURT: Yes.

13 MR. LALLY: May I approach again, Your Honor?

14 THE COURT: Yes.

15 Q Sir, showing you what's been marked as Exhibits 94
16 and then 95.

17 A Yes, sorry. They are chats between Karen Read and
18 Jen McCabe or text messages. And 95 is Karen Read and
19 Jen McCabe phone calls.

20 Q And again, what's contained in those records before
21 you, is that a fair and accurate portrayal of what you
22 observed in the defendant's phone during the course of
23 the -- your extraction of materials from her phone?

24 A Yes.

25 MR. LALLY: May I approach to retrieve, Your Honor?

1 THE COURT: Yes. So these are already in evidence,
2 Mr. Lally, so that you don't need the fair and accurate
3 depiction.

4 MR. LALLY: May I approach again, Your Honor?

5 THE COURT: Yes. Jurors, you know what, I'm going
6 to send you home. Okay. So I need to see counsel at
7 sidebar for just a minute to go over the next two days.

8 THE COURT: All right. I had kind of hoped that we
9 would have done something productive during that period
10 of time.

11 MR. LALLY: I know, Your Honor.

12 THE COURT: So where do we stand? Tomorrow we'll
13 be doing voir dire. I think it will take the better
14 part of the day. Do you all agree?

15 MR. YANETTI: We're hoping that it won't take most
16 of the day. We're hoping that it will just take the
17 morning.

18 MR. JACKSON: My understanding of the parameters of
19 the voir dire is this is about qualifications.

20 THE COURT: So we can talk -- we can talk more
21 about it tomorrow morning. I just want to give the
22 jurors some time frame. We'll finish it tomorrow,
23 right?

24 MR. YANETTI: Oh, yeah.

25 MR. JACKSON: I need to know what the -- we'll

1 finish it tomorrow but if it's limited to the
2 parameters that it should be, that I think it should
3 be, I think we can do it in the morning, quickly.

4 THE COURT: Okay. I think it's going to take more
5 than that. So we'll start at 9:30. Where do we stand
6 with Thursday? Do you think you'll rest?

7 MR. LALLY: Quite possibly, yes.

8 THE COURT: Who else do you have besides this
9 witness and your medical examiner?
10 end of sidebar.)

11 THE COURT OFFICER: Again, folks, quiet, please.
12 We're still on the record.

13 (Sidebar commences:

14 MR. LALLY: So there's this witness, the medical
15 examiner, and then there's the neuropathologist who is
16 very quick or should be very quick.

17 THE COURT: Based on tomorrow's voir dire, if you
18 need more time, you'll have to let me know as soon as
19 possible so we let the jurors know.

20 MR. LALLY: Sure, absolutely.

21 MR. JACKSON: So we should not have any witnesses
22 on Thursday.

23 THE COURT: I doubt it, but let's see. We'll know
24 better tomorrow.

25 MR. LALLY: Okay.

1 MR. YANETTI: Okay.

2 THE COURT: And your witnesses will be here
3 tomorrow? Most of them will?

4 MR. JACKSON: Three of them.

5 THE COURT: Do you plan on starting with your
6 experts or starting with others?

7 MR. YANETTI: No, we'd start with the civilian and
8 then go to the computer expert.

9 THE COURT: Okay. That's all I need to know.

10 MR. YANETTI: All right.

11 THE COURT: Thank you.

12 end of sidebar.)

13 THE COURT: So, jurors, we will be in session
14 tomorrow but you won't be. All right. So it's very
15 important that you don't watch TV or listen to anything
16 or read about anything. So we will be here tomorrow.
17 Wednesday is the federal holiday, so we're not in
18 session.

19 I know there's supposed to be some big heatwave
20 this week. I really appreciate that everybody dresses
21 respectfully for court. I suggest you come in
22 comfortably. It's an old building. The air conditioners
23 were great today. I don't know that that will hold up
24 when really pushed. So feel free to dress comfortably.
25 We'll plan on seeing you on Thursday. If that changes,

1 the court officers have your contact information, but
2 we're planning on seeing you on Thursday. All right.

3 So please those three cautions, do not discuss this
4 case with anyone. Don't do any independent research or
5 investigation into this case. If you happen to see,
6 hear, or read anything about this case, please
7 disregard it and let us know. we'll see you Thursday
8 morning.

9 (Jury out.)

10 THE COURT: Trooper, you can step down.

11 (Sidebar commences:

12 THE COURT: All right. Mr. Yanetti, can you give me
13 an idea of who you think you're calling or what order
14 you think you're calling?

15 MR. YANETTI: In our case in chief?

16 THE COURT: Yes.

17 MR. YANETTI: So we're going to start with Brian
18 Loughran.

19 THE COURT: Okay.

20 MR. YANETTI: The plow driver who shouldn't be too
21 long. And then we're going to go to Rick Green, and
22 then I'm going to turn the case over to my co-counsel.

23 THE COURT: And what do you expect?

24 MR. JACKSON: Dr. Sheridan, Dr. Russell, Dr. Wolfe,
25 Dr. Rentschler. In that order.

1 MR. YANETTI: And that should be it.

2 THE COURT: All right. And you think you can really
3 do that in two days?

4 MR. JACKSON: Three. I think three.

5 THE COURT: You said the other day if we started on
6 Monday, you'd finish by Wednesday.

7 MR. JACKSON: Right. I think we can do it in three
8 days.

9 MR. YANETTI: We'll certainly start by Friday I
10 think.

11 THE COURT: Yeah, but we want to get it to them --

12 MR. YANETTI: No, no, I'm talking this Friday.
13 We're going to start our case this Friday so we should
14 be done --

15 THE COURT: We have a half a day.

16 MR. YANETTI: Oh, it's a half day. Okay.

17 THE COURT: Because I have that sentencing.

18 MR. YANETTI: I forgot.

19 MR. JACKSON: Still I think we can still get Brian
20 Loughran and a good part of Rick Green done by Friday.

21 THE COURT: All right. It all depends on -- I think
22 you're being a little optimistic about resting on
23 Thursday.

24 MR. JACKSON: Yeah, it all depends on that.

25 THE COURT: And then cross-examination. So you've

1 got the two medical witnesses and this witness, right?

2 MR. JACKSON: I will say the bulk -- the longest of
3 the cross is left is going to be this witness, but it's
4 not going to be that long. We're not going to spend a
5 ton of time on the medical witnesses. We are not. I
6 don't know --

7 MR. YANETTI: I may be less than an hour on this
8 witness.

9 THE COURT: All right. So it looks like we still
10 get it to them next week.

11 MR. JACKSON: Yes, absolutely.

12 THE COURT: Okay. All right.

13 MR. LALLY: If I could just ask, so am I to
14 understand Dr. Van Nee is not testifying now?

15 MR. JACKSON: Who?

16 MR. LALLY: Dr. Van Nee.

17 MR. YANETTI: Chris Van Nee.

18 MR. JACKSON: No, I'm not going to call him. I
19 don't need him.

20 THE COURT: What is he -- okay. So you're not
21 calling him. Okay.

22 MR. JACKSON: I think I did what I needed to do.

23 THE COURT: Okay. All right. We'll see you at 9:30
24 tomorrow morning.

25 MR. YANETTI: And by the way, I think you said this

1 already, just to confirm. We're in session on June 26,
2 now because we postponed -- Court Order: Jurors or Juror Issue --

3 THE COURT: Yes, yes.

4 MR. YANETTI: Thank you, Your Honor.

5 end of sidebar.)

6 THE COURT: Thank you. And we'll see you tomorrow.
7 (Court in recess.)

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C E R T I F I C A T I O N

I, CHRISTINE D. BLANKENSHIP, NOTARY PUBLIC, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT FROM THE RECORD OF THE COURT PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

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A

Ability - 8:7
Access - 26:21, 27:2
Account - 19:18, 20:12
Accurate - 36:23, 54:10, 55:7, 56:7, 56:21, 57:2
Accusations - 17:18
Actual - 35:23
Addition - 26:12
Address - 14:18, 15:7
Addressed - 14:24
Admit - 39:20, 43:15, 43:21, 45:23, 54:16
Admonished - 14:25
Affidavit - 5:1, 31:1
Afternoon - 3:9, 3:10, 3:13, 3:14
AG - 13:4, 13:5, 13:6, 13:20
Against - 17:18
Agree - 18:3, 57:14
AG's - 28:19
Ahead - 33:6, 40:4, 43:17
Air - 59:22
Airplane - 21:2, 21:4, 22:22, 22:25, 23:20
Albert - 34:8, 34:12, 34:15
Albert's - 34:14
Allow - 31:16
Allowed - 30:2
Alone - 52:5, 52:6
Amounts - 12:16
Analyzer - 29:2
And/Or - 14:7
Android - 6:14, 24:5
Announce - 49:8
Annual - 10:14
Anymore - 43:7, 43:16, 48:8
Anywhere - 51:16
Apologies - 39:2, 41:13
Apologize - 47:16
App - 8:13, 33:12
Apparently - 44:3
Appeared - 19:23
Apple - 6:14, 24:4, 32:11
Applying - 12:16, 13:12
Appreciate - 59:20
Approximately - 8:23, 46:9
Apps - 33:10
Area - 4:16, 15:9, 32:11, 34:3
Areas - 33:22, 35:1
Aren't - 30:6
Arguing - 43:25, 50:1
Ascertain - 8:10, 9:20, 10:25, 20:4, 20:9, 30:1, 30:17, 31:13, 32:19
Ascertaining - 10:18

Assault - 4:13
Assisted - 12:23
Associated - 29:20
Attached - 4:10
Attempt - 7:7
Attend - 10:14
Attention - 41:11, 47:10, 47:20, 48:1, 48:11, 48:21, 50:5, 50:19, 52:2
Attorney's - 4:5, 26:14
August - 25:4, 27:13
Authored - 6:17
Automakers - 8:21
Automatically - 32:4, 33:14, 35:16
Availability - 9:15, 10:18
Available - 9:10
Aware - 5:1, 5:15, 6:16, 28:4
Axiom - 4:19, 18:20, 19:4, 19:8, 25:10, 25:13, 25:18, 29:2, 29:8

B

Bag - 21:5, 22:23
Based - 7:8, 31:5, 31:6, 58:17
Basis - 10:14, 33:15
Battery - 23:2
Beat - 41:7
Become - 4:22, 5:1
Big - 31:25, 59:19
Binary - 12:1
Biome - 32:10, 34:1
Bit - 17:23, 18:23, 30:19, 40:8, 49:4, 52:15
Blizzard - 51:15
Blocks - 21:5
Blue - 38:2, 38:5, 38:7, 38:15, 40:10, 41:18
Board - 12:20
Body - 32:21
Book - 24:7
Booth - 10:20
Bore - 34:3
Both - 14:12, 14:25, 18:18, 21:18, 22:2, 29:7, 29:13, 39:12, 39:13
Bottom - 38:12, 41:16, 41:18, 43:6
Box - 21:7
Break - 24:22, 27:14
Brian - 21:22, 34:8, 34:12, 34:14, 34:15, 60:17, 61:19
Broken - 25:5, 39:8
Brought - 7:6, 21:6
Bubble - 38:6, 40:11, 40:13, 41:18
Bubbles - 38:2, 38:5, 38:7, 38:8, 38:15

Building - 59:22
Bulk - 62:2
Bunch - 24:17
Bypass - 23:14, 24:5, 24:14

C

California - 13:8
Called - 6:3, 7:23, 19:4, 23:23
Calling - 10:22, 44:4, 46:5, 46:23, 46:24, 48:20, 60:13, 60:14, 62:21
Camarano - 56:1, 56:2
Cameras - 20:5
Can't - 21:3, 21:4, 30:4, 33:1, 42:23, 47:13, 51:1, 51:2
Canton - 29:23, 51:8
Capable - 30:9
Capacitors - 12:18
Capacity - 26:13
Car - 6:12, 11:12, 50:13
Card - 6:12
Care - 53:4
Carplay - 6:14
Cars - 13:9
Case - 16:11, 16:19, 17:22, 36:4, 60:4, 60:5, 60:6, 60:15, 60:22, 61:13
Cautions - 60:3
CCO - 4:17
CCPA - 4:18
Cell - 4:12, 4:18, 4:19, 4:21, 19:10, 20:6, 20:11, 20:18, 20:22, 20:25, 21:5, 24:7
Cellebrite - 4:17, 5:5, 25:10, 25:13, 25:18, 25:21, 29:1, 29:11, 45:6, 45:25, 54:19, 54:22, 55:18
Cellebrite's - 33:18
Cellular - 24:8
Certain - 32:3, 33:13, 33:17, 36:5, 37:11, 53:20
Certainly - 17:3, 61:9
Change - 18:25, 26:5, 26:6
Changes - 59:25
Changing - 19:2
Charged - 21:9, 23:3
Chat - 36:5, 38:21, 54:8
Chats - 26:10, 36:20, 37:1, 39:6, 39:9, 53:19, 54:20, 56:1, 56:17
Check - 11:10, 47:4
Checked - 16:2
Chief - 60:15
Chip - 7:16, 7:21, 7:25, 12:7, 12:8, 12:12, 12:21, 12:23, 13:2, 13:12, 13:18, 13:22, 14:1
Chips - 7:17, 8:2, 12:15, 12:19, 13:13
Chris - 62:17
Civilian - 59:7
Claims - 15:20
Close - 33:12, 52:14
Co - 60:22
Code - 12:1, 23:10, 27:14
Codes - 11:23, 26:2
Com - 15:24, 19:22
Combinations - 24:18
Come - 5:22, 32:24, 51:18, 59:21
Comes - 24:18
Comfortably - 59:22, 59:24
Coming - 15:11, 41:25, 42:14, 50:10, 50:17
Commences - 14:17, 17:13, 52:11, 58:13, 60:11
Comments - 17:24, 17:25
Commonwealth - 3:6, 16:21, 39:19, 45:3, 45:22, 54:15, 55:13
Communication - 5:14
Communications - 28:10, 55:9
Company - 9:15, 13:6, 13:14
Complies - 44:19, 45:13, 54:1
Components - 10:1
Computer - 4:12, 4:19, 4:21, 19:17, 19:23, 59:8
Computers - 14:7, 15:13, 16:3, 19:10, 19:20
Concerned - 25:19, 30:18, 38:6
Conclusion - 16:1
Conclusions - 5:22
Condition - 22:21, 23:6, 23:8
Conditioners - 59:22
Conduct - 4:12, 28:24
Conducted - 7:9, 55:7
Conducting - 12:23
Conference - 10:12, 10:21
Conferences - 10:17
Confirm - 31:10, 63:1
Connected - 20:5
Connection - 15:23, 16:2, 16:3, 16:4, 20:2
Connor - 26:18
Consider - 13:7, 43:2
Consistent - 22:7, 37:7, 39:14
Constantly - 9:5

Contact - 34:8, 34:12, 34:14, 34:15, 60:1
Contacts - 32:16
Contain - 39:15
Contained - 5:7, 22:5, 28:5, 33:24, 35:19, 36:22, 38:11, 38:20, 39:14, 54:9, 55:6, 56:6, 56:20
Content - 42:2, 48:16
Contentions - 34:7
Continue - 18:9, 41:23, 42:16, 42:25, 43:23, 48:2, 52:21
Continued - 41:7
Conversation - 13:24, 16:13
Copy - 15:20, 18:23, 19:1
Corresponding - 35:14
Counsel - 3:2, 15:20, 17:24, 52:9, 57:6, 60:22
Course - 17:17, 20:3, 25:14, 56:22
Court's - 37:10, 40:2
Crazy - 16:18
Creates - 19:1
Crime - 10:12, 10:20, 27:21
Criminal - 6:7
Cross - 15:1, 22:1, 61:25, 62:3
Cucking - 52:5
Currently - 4:5, 15:16
Cyber - 10:12, 10:20

D

DA's - 4:11, 7:6, 22:18
Dash - 11:9, 35:8
Database - 31:23, 32:3, 32:10, 32:25, 33:25, 34:1, 35:9, 35:11, 35:13, 35:24
Databases - 33:23
Date - 38:12, 40:17, 41:20, 44:11
Day - 35:4, 44:9, 53:10, 57:14, 57:16, 61:5, 61:15, 61:16
Days - 57:7, 61:3, 61:8
December - 12:9
Decipher - 13:25
Decoding - 29:7
Dedicated - 10:17
Deemed - 7:25
Defendant - 3:2, 4:23, 9:8, 9:11, 17:15, 37:2, 43:5, 45:18, 46:8, 46:23, 46:24, 48:7, 51:24, 53:20
Defense - 5:2, 5:16, 31:1, 31:2
Defense's - 13:11
Deferred - 17:8

Delete - 33:1, 33:14
Deleted - 27:9, 32:4, 32:6, 32:8, 32:17, 32:20, 32:23, 33:18, 33:19, 34:14, 34:16, 34:17, 35:2, 35:16, 35:21, 35:24
Dell - 14:11, 18:10, 19:13
Deny - 31:10
Depiction - 57:3
Describe - 6:20, 12:11
Desktop - 14:7, 14:12, 18:11, 19:13
Destroy - 7:16, 9:25, 12:20
Destructive - 8:2, 12:14
Detective - 4:7, 4:10, 26:20
Determined - 8:9
Device - 7:19, 12:7, 23:23, 24:2, 24:8, 24:21, 25:6, 25:20, 27:12, 27:13, 27:15, 29:21, 30:8, 32:5, 35:7
Devices - 7:17, 15:23, 15:24, 16:7, 19:15, 20:3, 20:7, 20:11, 20:15, 25:15, 26:21, 27:3, 27:7, 27:10, 28:22, 29:4, 29:5
Diagnostic - 8:19, 11:12, 11:22
Diagrams - 9:25
Didn't - 16:8, 16:18, 22:9, 25:3, 29:22, 30:4
Difference - 35:10
Differences - 22:9
Different - 4:20, 8:23, 8:25, 17:15, 24:17, 29:4, 29:5, 29:23, 35:1
Difficult - 42:21
Digital - 12:6, 26:24
Dire - 57:13, 57:19, 58:17
Director - 26:17
Discovery - 16:11
Dismantled - 7:11
Disregard - 60:7
District - 4:5, 26:14
Doctor - 49:15
Document - 39:2, 44:16, 45:10, 55:2
Documents - 53:24, 54:9
Doesn't - 33:18
Double - 47:3
Doubt - 58:23
Dovey - 44:3
Download - 6:10, 11:1, 11:4, 23:22, 25:8
Downstairs - 23:1
Dr - 60:24, 60:25, 62:14, 62:16
Draw - 50:5

Dress - 59:24
Dresses - 59:20
Drink - 49:3
Drinking - 49:8
Drive - 18:23, 51:1
Driver - 60:20
Drives - 14:12, 18:18, 18:25
Driveway - 50:12
Dropping - 32:1, 33:9
Dry - 52:25

E

Each - 19:20, 28:21, 47:7
Earlier - 48:24
Early - 14:6, 51:19
Efforts - 7:20
Eight - 40:21, 50:15
Electrical - 21:7
Electronic - 4:14, 25:15
Eleven - 34:22, 46:17
Else's - 20:8
Email - 10:10
Emailed - 7:23
Emissions - 11:24
Emotions - 17:21, 17:25
Employed - 3:18
Enabled - 35:17
Enables - 6:13
Encrypted - 26:3, 26:8
Encryption - 26:4, 26:6
Enforcement - 3:25
Engine - 11:10
Entailed - 12:13
Entirety - 8:24, 38:21, 44:22
Erin - 55:4, 55:9
Escapes - 13:15
Essentially - 15:21, 24:17, 25:5
Estimated - 29:10
Eventually - 5:9, 12:7, 22:1
Everybody - 41:1, 59:20
Everyone - 40:22
Everything - 29:14, 42:15
Evidence - 12:6, 23:15, 23:17, 26:24, 57:1
EXAMINATION - 3:11, 15:1, 21:11, 61:25
Examiner - 58:9, 58:15
Exclusively - 13:9
Exhibits - 54:16, 55:24, 56:6, 56:15
Expect - 60:23
Experience - 3:24, 7:9, 20:23
Expert - 5:2, 13:8, 13:11, 31:2, 59:8
Experts - 59:6

Expert's - 5:17
Explain - 6:6, 18:22, 19:7, 20:21, 23:25, 25:17, 33:6
Explained - 48:6
Export - 34:21, 36:5
Expound - 12:11
Extra - 29:12
Extract - 9:3, 23:15, 44:8, 54:10
Extracted - 19:19, 21:12, 25:24, 26:25, 28:16
Extracting - 7:10
Extractions - 21:15, 25:22, 27:7, 28:25, 36:4, 39:13
Extreme - 12:16
Eye - 14:20

F

Face - 33:23, 43:12
Facebook - 36:20, 38:19
Facetime - 34:25
Fail - 47:25, 50:4
Fair - 36:22, 54:9, 55:6, 56:7, 56:21, 57:2
Falling - 41:8
Family - 17:16, 17:18, 17:23, 27:1
Faraday - 21:5, 21:7, 22:23
Father - 49:16
February - 6:24, 14:6
Federal - 59:17
Feel - 42:5, 42:10, 42:11, 42:14, 59:24
Field - 3:24, 13:8
Fight - 50:3
Fighting - 44:1, 48:9, 49:2
Fights - 48:4
Figured - 51:7
File - 26:6, 26:8, 31:22, 32:1, 32:8, 32:24, 33:6, 33:11, 33:14, 33:20, 35:2, 35:12, 35:14
Files - 33:2, 33:9
Find - 16:24, 34:11
Finding - 16:20
Findings - 5:17
Finds - 24:16
Fine - 16:8, 16:9, 16:19, 43:7
First - 25:24, 33:5, 33:15, 36:20, 40:10, 40:16
Five - 26:4, 49:16
Flag - 31:25
Fly - 50:3
Focus - 16:16
Folks - 17:11, 58:11
Followed - 47:24
Following - 5:4, 46:22

Footage - 20:9
Forced - 40:23
Forensic - 13:6, 19:9
Forensics - 4:12, 4:14, 4:18, 4:19, 4:20, 4:21
Forever - 24:13
Forget - 10:9
Forgot - 61:18
Former - 13:8
Forth - 10:3, 10:5
Found - 32:22
Four - 27:7, 28:22, 34:23, 36:3, 46:19, 51:12
Frame - 57:22
Free - 59:24
Friday - 50:16, 61:9, 61:12, 61:13, 61:20
Fun - 49:9
Function - 24:6
Future - 43:15

G

Gaffney - 13:4, 13:10, 13:17, 13:23
Game - 43:21, 43:22
Gave - 49:22
General - 20:18
Gentleman - 5:10
Gets - 35:16
Gilman - 37:17, 38:9, 40:7
Give - 10:9, 16:21, 26:25, 29:11, 57:21, 60:12
Gives - 29:9
Glean - 13:19, 13:25, 19:21
Go - 8:17, 9:25, 16:24, 25:22, 27:23, 27:24, 28:11, 33:1, 37:13, 40:4, 43:17, 52:13, 52:23, 53:1, 53:6, 53:10, 57:7, 59:8, 60:21
Gone - 41:5
Good - 3:9, 3:10, 3:13, 3:14, 23:1, 50:18, 61:20
Google - 5:6, 6:14, 31:20
Got - 11:16, 14:19, 16:10, 18:1, 23:7, 25:1, 28:18, 62:1
GPS - 8:18, 28:1, 29:9, 29:10, 29:20, 30:2, 30:5, 30:9, 30:12, 30:18
Grab - 49:3
Graykey - 23:23, 24:2, 24:3, 24:8, 24:21, 25:6, 26:1, 27:14, 29:1
Green - 5:2, 5:6, 31:3, 31:6, 31:14, 32:5, 32:16, 34:7, 34:13, 38:2, 38:8, 40:13, 60:21, 61:20
Grief - 49:22

Ground - 32:1
Grounds - 33:10
Guarino - 3:7, 3:8, 3:17, 6:2, 14:5, 18:10, 20:17, 40:5, 44:16, 45:10, 46:3, 47:7, 47:20, 53:18
Guess - 13:7, 29:3
Guffaws - 15:3
Guys - 42:7, 42:8

H

Half - 10:2, 52:13, 61:15, 61:16
Handful - 29:22
Handle - 19:18, 50:3
Handled - 13:9, 33:2, 50:18
Happy - 27:24
Hard - 14:12, 18:18, 18:23, 18:25, 40:20, 42:13
Hardest - 41:6
Hardware - 6:9, 7:12, 24:3
Haven't - 11:22, 43:1
Head - 6:13, 42:5, 43:21, 47:13, 47:18, 51:20
Healthy/Smart - 41:2
Hear - 47:13, 48:14, 60:6
Heard - 14:21, 15:1, 20:16
Heat - 12:16, 12:17, 13:12
Heatwave - 59:19
Hello - 38:16
Help - 41:9
He's - 15:15, 16:2, 32:14, 50:11, 50:14
Hi - 38:16
Higgins - 22:6
Higgins's - 21:22, 21:25
High - 17:21, 18:1
Highway - 13:8
History - 34:20, 35:5, 35:18
Hold - 59:23
Holiday - 59:17
Home - 14:8, 18:13, 42:19, 50:13, 50:15, 51:23, 51:24, 52:6, 52:23, 57:6
Homicides - 27:21
Hook - 24:8
Hoped - 57:8
Hoping - 57:15, 57:16
Hot - 51:6
Hour - 52:13, 52:19, 62:7
Hours - 4:17
House - 15:24, 20:5
How's - 53:2
HP - 14:11, 18:11
Hug - 43:11
Hump - 50:1
Hundred - 34:22

Hurt - 40:18
Hurts - 40:22
Hyde - 5:19

I

Ian - 5:11
I'd - 24:10, 49:23, 51:6, 52:19, 55:24
I'll - 15:5, 27:22, 31:16, 51:3, 51:18, 51:20, 53:1, 53:12
Imaged - 18:19, 18:21, 19:20
Images - 18:19, 19:11
Imaging - 19:1, 19:12
Immediately - 9:21, 31:21
Important - 47:19, 59:15
Importantly - 41:2
Impossible - 33:3
In/First - 33:15
Inappropriate - 17:25
Inappropriateness - 17:20
Incorrect - 31:17, 31:18, 31:19
Incorrectly - 32:13, 32:14
Incredulous - 15:19
Independently - 5:22
Indicated - 32:16, 33:21
Indiscernible - 17:25
Infotainment - 6:10, 6:12, 6:18, 6:25, 11:5, 11:6, 12:25, 13:21
Inside - 21:8, 26:5
Inspect - 28:12
Installs - 24:11
Intense - 51:1
Interpreted - 32:14
Introduce - 39:19, 45:3, 45:22, 54:15, 55:13
Investigation - 4:23, 20:4, 21:10, 25:14, 60:5
Investigations - 4:13, 6:7, 20:24, 20:25
Investigator - 27:1
Investigators - 27:20
Ios - 34:3, 35:6, 35:16, 36:1
Iphone - 24:12, 33:1
Iphones - 33:25
Ish - 28:20
Issue - 15:7, 15:8, 40:21
Item - 7:3, 8:6, 11:7
Items - 32:7, 35:21
Itunes - 21:4
I've - 14:1, 17:8, 29:8, 40:23, 42:13, 48:5, 49:25

J

JACKSON - 14:18, 17:1, 17:2, 18:3, 39:21, 57:18, 57:25, 58:21, 59:4, 60:24, 61:4, 61:7, 61:19, 61:24, 62:2, 62:11, 62:15, 62:18, 62:22
January - 9:9, 14:5, 22:12, 25:1, 30:19, 44:7, 44:11, 44:23, 45:15, 45:16, 46:8
Jen - 56:18, 56:19
Jennifer - 5:7, 21:18
Jessica - 5:19
Jesus - 14:22
Job - 29:8
John's - 16:6
Judge - 53:5
Jump - 44:2
June - 9:8, 25:2, 63:1
Jurors - 52:22, 53:8, 57:5, 57:22, 58:19, 59:13
Jury - 3:3, 3:16, 6:6, 12:12, 18:22, 19:7, 20:21, 23:25, 25:17, 33:7, 37:13, 60:9

K

Katie - 56:1, 56:2
Keefe - 26:18, 26:19
Kerry - 21:19
Key - 26:4, 26:5
Kids - 19:24, 43:3, 52:5, 52:6
Kills - 24:13
Kiss - 43:11
Knock - 14:25
Knowing - 50:17
Knowledge - 32:9, 34:1

L

Lab - 12:6, 21:6, 23:2, 26:17, 26:24, 27:3
Laptop - 14:7, 14:11, 18:10, 19:13, 19:25
Large - 39:23
Lashed - 41:3
Late - 14:5, 51:18
Lately - 42:13
Later - 10:24, 28:19, 42:7, 42:8, 42:9, 49:10, 52:4
Laughing - 17:22
Laura - 54:5, 54:6, 54:8, 54:20, 54:23
Learn - 31:13
Leave - 15:5, 51:21
Leaves - 50:14

Leaving - 50:9
Left - 62:3
Let's - 16:16, 18:1, 58:23
Level - 8:16, 9:11, 33:17
Levied - 17:18
Lexus - 6:23, 9:12, 11:22
Light - 11:11
Likelihood - 8:3
Limit - 51:13
Limited - 8:16, 58:1
Line - 6:8, 42:19
Linked - 20:12
Listed - 46:12
Lives - 50:24
Load - 19:10, 27:22
Loaded - 18:19
Local - 4:1
Located - 32:25, 34:13
Location - 30:6
Locations - 28:2, 29:11, 29:20, 30:2, 30:10, 30:12, 30:18
Log - 32:22, 34:19, 44:21, 44:22, 45:7, 45:15, 46:1, 55:19
Login - 19:17
Logins - 20:1
Logs - 26:9, 35:13, 46:7, 47:7
Long - 3:20, 28:14, 52:18, 53:10, 60:21, 62:4
Longer - 52:12, 52:15, 52:17
Longest - 62:2
Look - 8:17, 21:17, 23:16, 25:6, 28:9, 28:17, 29:13, 32:18, 44:17, 45:11
Looked - 15:14, 31:22
Looking - 8:24, 15:22, 19:14, 19:16, 27:24, 27:25, 32:8, 32:22
Lose - 12:17
Loser - 42:14
Lot - 9:4, 12:17, 41:8, 52:25
Louder - 41:12
Loughran - 60:18, 61:20
Lovey - 44:2
Luck - 50:18
LX - 6:23

M

Machine - 19:17
Machines - 18:19
Maggie - 13:4
Magnet - 4:19
Magnet's - 29:2
Main - 32:2, 32:9, 33:25, 35:23
Make - 8:11, 8:15, 29:13

Making - 15:3
Mansfield - 52:6
Manufacturer - 8:11
Manufacturers - 8:25
Many - 8:23, 9:19, 29:22, 46:7, 46:16, 46:18, 46:20
Marked - 32:23, 33:17, 36:13, 37:12, 39:24, 45:7, 46:1, 54:20, 54:23, 55:19, 55:23, 56:15
Marks - 36:2
Massachusetts - 3:19, 3:21
Material - 21:22, 21:24, 22:6, 37:3, 37:6, 39:13, 39:15, 56:8
Materials - 56:23
Mccabe - 32:20, 56:18, 56:19
Mccabe's - 5:7, 21:19, 26:22, 28:23, 30:21, 31:8, 31:14, 34:6, 34:11, 34:18, 34:20, 35:19
Mclaughlin - 17:8
MD - 26:3
Means - 33:19
Mechanic - 11:9
Mechanic's - 11:7
Medical - 58:9, 58:14, 62:1, 62:5
Meet - 49:10
Member - 3:20
Memory - 7:17, 8:2, 12:15, 12:17, 12:19
Message - 42:1, 42:3, 46:22
Messages - 21:23, 22:10, 39:6, 39:24, 46:3, 47:11, 47:21, 54:8, 56:18
Messenger - 36:20
Michael - 50:16
Mike's - 50:12
Millionaire - 24:10
Mins - 49:23
Missed - 46:13, 46:18
Mitchar - 31:2
Mode - 21:2, 21:4, 22:23, 22:25, 23:20
Model - 8:11, 8:15, 9:13
Models - 8:25
Module - 6:11, 13:22
Modules - 6:11
Monday - 51:3, 51:4, 51:8, 61:6
Month - 25:3
Months - 10:8, 10:9, 17:14, 28:18, 44:1
Mood - 43:4
Moot - 16:19
Morning - 15:1, 31:21,

32:21, 42:11, 43:12, 47:24, 49:23, 57:17, 57:21, 58:3, 60:8, 62:24
Motherboard - 7:17, 12:19, 12:24
Motherboards - 7:13, 12:16
Motor - 4:18
Mountains - 16:10
Much - 43:16, 52:12, 53:11

N

Named - 5:2, 31:2
National - 10:11, 10:20
Native - 29:11, 39:6
Nee - 62:14, 62:16, 62:17
Needed - 15:4, 62:22
Neither - 19:23
Neuropathologist - 58:15
New - 11:7
Newest - 34:2
Nicholas - 3:7, 3:8, 3:17
Night - 22:17, 43:13
Ninth - 3:22
Nobody - 51:15
Noises - 15:3
Norfolk - 4:5, 4:11, 7:6, 22:18
Normally - 26:25, 27:20, 30:5
Norwood - 4:1
Notice - 15:10, 15:12
Notified - 28:9
Numbers - 11:16

O

OBD2 - 11:8
Objected - 14:22
Objection - 5:25, 14:14, 31:15, 39:21, 45:5, 45:24, 54:17, 55:15
Objections - 55:17
Observe - 11:15, 27:8, 29:20
Observed - 22:7, 30:13, 36:23, 37:7, 55:7, 56:7, 56:22
Obtained - 25:8
Occasion - 5:5, 5:9, 5:18, 6:25, 30:22
Occurred - 17:16, 27:22
October - 34:24
Office - 4:6, 4:11, 7:6, 22:18, 26:14, 28:19
Officer - 4:1, 13:9, 17:11, 19:17, 20:6, 38:8, 58:11
Officers - 14:24, 17:4, 60:1

Often - 10:6
O'keefes - 14:19
Old - 59:22
OMG - 46:5
One - 13:11, 14:11, 14:12, 18:11, 19:1, 19:23, 24:13, 24:16, 24:19, 29:5, 34:7, 34:9, 35:23, 47:8, 49:24, 53:14, 54:7, 55:17
Ones - 35:2, 35:3, 38:19
One's - 51:22
Open - 25:10, 25:23, 26:8
Opens - 24:19
Operating - 9:9, 33:2, 35:17, 35:25
Opinion - 33:4, 35:20
Opinions - 5:22, 5:23
Opposed - 29:11
Optimistic - 61:22
Option - 7:15
Order - 7:20, 23:1, 60:13, 60:25
Outlets - 21:8
Own - 13:6, 42:20

P

Packet - 39:23
Papa - 50:17
Parameters - 57:18, 58:2
Parsed - 31:23
Parts - 32:25
Pass - 23:10, 25:8, 27:14
Passcode - 25:4, 25:5
Passcodes - 24:12, 24:15, 24:18
Passwords - 23:15, 24:5
Patrol - 13:8
Paul - 15:2
Pavilion - 18:11
PDF - 34:21
Peggy - 14:20
People - 17:5, 26:15, 26:16
People's - 36:6, 36:7
Percentage - 9:1
Performed - 20:23
Period - 9:19, 28:1, 28:14, 57:9
Perla - 11:17
Permission - 37:11, 40:3
Permitted - 30:3
Perspective - 37:24
Pestering - 10:22
Ph - 26:4
Phones - 19:10, 21:1, 21:14, 21:16, 24:4, 24:5, 36:6, 36:7, 39:13
Photos - 26:10
Physical - 29:1
Physically - 40:21, 41:8

Pillow - 43:13
Placed - 12:6, 23:1
Placing - 31:10
Plan - 51:5, 59:5, 59:25
Planning - 60:2
Play - 6:14, 6:15
Plow - 60:20
Plug - 11:11, 24:4
Plugged - 23:2, 23:21
Plugs - 11:8
Plumber - 50:11, 50:17
Points - 8:19, 30:6
Police - 3:19, 3:21, 3:23, 4:1, 4:4, 15:9
Port - 7:25, 11:8
Portion - 37:20
Portions - 37:11
Portrayal - 36:23, 54:10, 55:7, 56:7, 56:21
Posited - 5:6
Practice - 49:15
Prefer - 42:19
Presence - 13:13
Present - 3:2, 12:22
Preserve - 21:2
Previously - 55:23
Print - 36:5
Prior - 3:23, 3:24
Privileged - 28:5, 28:10, 28:16
Problem - 51:4
Proctor - 5:13, 22:20, 23:7
Product - 8:12
Productive - 57:9
Program - 29:2
Programs - 4:20
Provided - 14:6, 15:18, 20:10, 21:21, 21:24, 22:6
Publish - 40:3
Published - 37:12
Pull - 7:14, 8:7, 26:1
Pulled - 7:22, 11:19
Pulling - 29:9
Pulls - 11:12, 26:3
Purposely - 32:6
Pursuant - 7:1, 13:17
Pushed - 59:24
Puts - 26:3, 33:11
Putting - 16:19

Q

Qualifications - 57:19
Questioning - 15:4
Quick - 44:2, 58:16
Quickly - 58:3
Quiet - 17:11, 58:11

R

Radio - 6:13
Rager - 49:1
Range - 29:10
Re - 28:12
Reach - 5:5, 9:23
Reached - 5:13, 5:16, 9:14, 9:20, 11:17
Reaches - 32:3, 33:13, 33:16
Reaching - 10:6
Read/Erin - 55:19
Readable - 11:17, 11:21, 12:2
Read's - 6:18, 6:21, 21:13, 22:2, 22:7, 22:11, 23:8, 23:13, 27:12, 39:9, 45:15, 46:1, 47:22
Reason - 11:18, 42:24
Reasons - 27:5
Reattach - 8:3
Receive - 11:14, 22:19, 23:5
Received - 4:15, 22:12, 22:16, 22:24, 23:6, 23:10, 24:25, 26:2, 44:9
Recognize - 36:16, 36:19, 37:20, 39:3, 39:5, 40:5, 44:20, 45:14, 54:2, 54:4, 55:2, 55:24
Records - 35:1, 35:19, 46:12, 56:20
Recovered - 13:21
Red - 31:25
Referenced - 22:22
Regards - 6:3, 6:17, 30:21, 35:20
Rejected - 46:13, 46:16
Relation - 5:23, 24:24
Relationship - 51:12
Released - 5:17, 11:7
Reluctant - 12:13
Relying - 50:13
Remote - 21:3
Remove - 6:25, 13:17
Removed - 7:3, 7:5, 14:12, 28:11, 33:20
Removing - 12:23
Rentschler - 60:25
Repair - 4:18
Replies - 42:20, 51:21
Report - 5:17, 5:18, 15:10, 15:20, 15:21, 16:14, 31:10, 32:13, 34:13, 38:21, 44:8
REPORTER - 41:12
Reports - 5:21, 36:5
Request - 37:11
Research - 60:4
Resort - 8:1

Respectfully - 59:21
Respective - 19:20, 28:22
Respond - 43:5, 43:20, 48:7, 48:18
Responds - 43:1, 48:24, 51:3
Response - 10:7, 10:22, 47:22
Resting - 61:22
Result - 28:7
Retaining - 30:9
Reticent - 17:8
Retrieve - 52:8, 53:16, 56:3, 56:25
Return - 27:1
Returned - 40:1
Reviewed - 22:5, 27:18, 29:16, 31:1, 36:4, 37:3, 37:6
Richard - 5:2, 31:2
Rick - 60:21, 61:20
Ride - 50:13
Ring - 15:24, 19:16, 19:22, 20:1, 20:2, 20:5, 20:9, 20:10
Road - 50:25
Roberts' - 21:19, 28:24
Robert's - 26:23
Role - 4:3, 4:10
Rolls - 14:20
Runs - 24:17
Russell - 60:24

S

Safari - 31:25
Safekeeping - 27:4
Sales - 10:4, 10:21
Samantha - 26:17
Sarcastic - 17:24
Saw - 21:23
Scan - 11:7, 11:10
Scene - 21:1
Scheduling - 52:10, 53:13
Screen - 37:18, 37:19, 40:6
Screenshot - 34:14, 34:17
Screenshots - 21:23
Scroll - 38:10, 40:8
Search - 6:16, 7:1, 31:20, 32:6
Searches - 5:7, 31:24
Second - 8:5
Secret - 24:14
See - 7:23, 15:22, 19:16, 22:9, 29:22, 30:4, 37:20, 40:22, 52:4, 52:9, 53:6, 57:6, 58:23, 60:5, 60:7, 62:23, 63:6
Seeing - 29:13, 49:9,

59:25, 60:2
Seek - 39:19, 45:3, 45:22, 54:15, 55:13
Seen - 14:14
Seized - 15:13
Seizing - 6:17
Sent - 21:3, 35:14
Sentencing - 61:17
Series - 11:16
Services - 30:6
Session - 3:1, 31:24, 59:13, 59:18, 63:1
Setting - 47:25, 50:4
Settle - 42:7, 42:8
Seven - 22:17
Several - 44:1
Sexual - 4:13
Sheridan - 60:24
She's - 13:11, 14:25
Shitty - 42:10, 42:11
Shouldn't - 9:22, 60:20
Show - 26:7, 32:23, 35:2
Showed - 31:24
Shower - 51:7
Showing - 29:22, 32:10, 36:13, 39:2, 44:16, 45:10, 53:24, 55:2, 55:23, 56:15
Shut - 33:12
Shy - 26:4
Sick - 43:25, 49:2
Side - 17:20
Sidebar - 14:17, 17:10, 17:13, 18:8, 52:9, 52:11, 53:7, 57:7, 58:10, 58:13, 59:12, 60:11, 63:5
Sides - 14:25
Sighs - 14:21, 15:3
Signal - 21:6
Signals - 29:10
SIM - 6:12
Similar - 11:7, 11:11
Single - 54:5
Sit - 9:7
Sitting - 14:21
Six - 22:17
Slim - 8:4
Snow - 51:19
Software - 6:9, 11:20, 23:14, 24:4, 24:11, 24:14, 26:2, 26:8, 34:2, 35:17
Soldering - 12:18
Sooner - 10:23
Space - 48:15
Speake - 13:4, 13:5, 13:6, 13:17
Specialized - 4:9, 4:15, 6:3, 6:9, 7:12, 24:3
Specific - 7:19, 36:6
Speed - 29:9
Spell - 3:15

Spend - 10:17, 62:4
Spoken - 14:1
Spots - 29:9, 29:23, 35:25
Springtime - 28:19
SqLite - 35:8, 35:11
Stand - 3:7, 57:12, 58:5
Start - 37:15, 47:23, 48:3, 48:4, 50:6, 50:22, 58:5, 59:7, 60:17, 61:9, 61:13
Started - 61:5
Starting - 22:11, 41:18, 48:17, 49:1, 59:5, 59:6
State - 3:15, 3:19, 3:21, 3:23, 4:3, 31:24
Stay - 42:19
Step - 60:10
Stolen - 13:9
Stood - 29:23
Stop - 8:5, 15:5, 41:10, 44:4, 44:5, 46:5, 46:23, 48:17, 48:19
Storage - 27:5, 32:11, 35:11
Store - 35:8, 35:24
Stored - 32:9, 32:10, 34:5, 35:1, 35:6, 35:8
Stores - 36:1
Storm - 50:25
Strong - 29:10
Stuck - 30:5, 31:21
Stung - 42:12
Subsequently - 27:18
Sullivan - 54:5, 54:7, 54:20, 54:23
Sullivan's - 54:8
Supervisors - 28:9
Support - 8:14, 9:12, 10:3, 10:23, 11:1, 25:2, 41:3
Supportability - 10:18
Supported - 7:23, 7:24, 8:6, 8:11, 8:18, 8:19, 9:2, 9:10, 9:12, 9:16, 9:24, 23:17, 23:22
Supposed - 59:19
Suspect - 21:1
Sustained - 6:1
SUV - 6:23
Sworn - 3:8
System - 6:13, 6:18, 6:25, 7:11, 7:22, 9:22, 11:5, 11:6, 12:25, 13:21, 19:3, 33:2, 36:1
Systems - 7:13, 14:13

T

Tabs - 31:25
Taking - 13:13, 18:25, 50:12
Tampered - 26:7

Team - 10:4, 10:21
Tech - 8:13, 9:25
Telematics - 6:10, 6:11, 13:21
Telling - 11:20, 50:2
Temporarily - 35:15
Ten - 24:12
Tenth - 24:13
Term - 20:19, 33:7
Terrible - 41:4
Testimony - 15:15, 52:25
Text - 21:23, 39:23, 42:7, 42:8, 46:3, 46:22, 47:11, 47:21, 56:18
That'll - 12:17
There's - 17:17, 17:22, 30:19, 31:20, 34:22, 42:1, 46:10, 48:16, 55:15, 58:14, 58:15, 59:19
These - 4:20, 7:13, 8:21, 11:23, 18:13, 26:21, 28:22, 33:2, 33:7, 33:9, 33:23, 39:6, 39:8, 47:21, 55:4, 55:25, 57:1
They're - 8:20, 9:5, 21:2, 26:24, 27:24, 32:24, 33:2, 33:19, 34:1, 34:25, 35:1
Three - 10:8, 46:21, 59:4, 60:3, 61:4, 61:7
Thursday - 58:6, 58:22, 59:25, 60:2, 60:7, 61:23
Timeline - 7:24, 26:10
Times - 9:19, 46:8, 48:6
Today - 9:7, 52:25, 59:23
Tomorrow - 51:15, 57:12, 57:21, 57:22, 58:1, 58:24, 59:3, 59:14, 59:16, 62:24, 63:6
Tomorrow's - 58:17
Ton - 62:5
Tonight - 51:19
Took - 9:22, 10:1, 18:18, 25:1, 28:18
Tool - 11:7, 11:10, 19:4, 19:8, 19:9, 24:8, 25:11
Tools - 25:12, 25:13, 25:18, 28:24, 29:13
Top - 43:24, 48:11, 48:22, 49:5, 49:12, 49:19, 50:7, 51:9, 51:17, 52:2
Towards - 35:4
Toxic - 51:12
Toyota - 9:12
Track - 7:20
Training - 4:15, 6:3, 7:9
Transform - 12:1
Treated - 48:24
Treating - 43:8
Trial - 17:17
Trim - 8:16, 9:11

Troopers - 26:21
Turn - 47:10, 48:1, 48:11, 48:21, 60:22
Turned - 30:3, 30:7, 30:11
Turning - 18:24, 42:14, 47:20
TV - 59:15
Two - 5:6, 5:21, 10:2, 15:19, 18:1, 19:20, 21:14, 26:15, 26:16, 32:25, 35:25, 49:18, 53:24, 54:16, 57:7, 61:3, 62:1
Types - 8:23, 9:1
Typically - 35:6

U

Ultimate - 16:1
Undergo - 7:20
Underneath - 11:8
Understood - 16:23, 16:25
Undertaken - 28:14
Unfortunately - 9:13, 11:2
Unique - 26:5
Unit - 4:7, 4:10, 6:13, 26:13, 26:20, 27:18
Unless - 27:3
Updates - 9:15
Updating - 9:5
Usable - 13:18
Used - 4:20, 6:7, 6:10, 14:13, 19:17, 19:23, 19:25, 24:4, 28:24, 29:4
User - 32:5, 32:17, 33:1, 33:19, 35:17, 35:21, 35:24
Uses - 26:2
Using - 7:10, 7:21, 32:12, 33:10, 34:1, 34:2, 34:4
Utter - 49:22

V

Van - 62:14, 62:16, 62:17
Vehicles - 9:2, 9:6
Versus - 29:6, 35:11
Viable - 7:15
Victim - 17:5, 21:1
Video - 19:16
View - 18:20, 19:2, 19:11, 25:11, 31:5, 34:21, 35:18
VIN - 8:14, 8:15
Voat - 26:17, 26:19
Voice - 47:15, 47:18, 47:19
Voir - 57:13, 57:19, 58:17

W

Waiting - 50:11
WAL - 32:1, 32:8, 32:24, 33:5, 33:11, 33:14, 33:20,

35:2, 35:11, 35:14
Walk - 47:13
Walked - 49:17
Warrant - 6:17
Wasn't - 5:13, 9:24
Watch - 17:4, 59:15
We'd - 59:7
Wednesday - 59:17, 61:6
Week - 59:20, 62:10
Weekly - 44:1, 50:3
Weeks - 18:1
We'll - 21:4, 52:20, 57:12, 57:22, 57:25, 58:5, 58:23, 59:25, 60:7, 61:9, 62:23, 63:6
We're - 6:21, 7:13, 8:24, 15:8, 17:11, 25:9, 25:11, 50:12, 57:15, 57:16, 58:12, 59:17, 60:2, 60:17, 60:21, 61:13, 62:4, 63:1
Weren't - 20:14
We've - 18:1
Whack - 43:12
What's - 12:13, 15:12, 36:13, 36:22, 37:12, 37:19, 38:11, 38:20, 40:5, 52:16, 54:9, 55:23, 56:6, 56:15, 56:20
Whereupon - 39:23, 45:6, 45:25, 54:19, 54:22, 55:18
Whiffin - 5:11, 5:14, 5:15, 5:24
Whiffin's - 16:14
Whole - 10:1, 26:10, 28:13
Who's - 23:12
Will - 8:18, 26:1, 33:14, 35:22, 38:2, 38:7, 47:16, 48:14, 52:13, 57:13, 57:16, 59:2, 59:3, 59:13, 59:16, 59:23, 62:2
Windows - 29:1
Wipe - 21:3
Wise - 35:11
Witness - 3:5, 3:10, 15:4, 17:5, 31:2, 40:2, 44:19, 45:13, 53:9, 54:1, 55:21, 58:9, 58:14, 62:1, 62:3, 62:8
Witnesses - 58:21, 59:2, 62:1, 62:5
Witnesses' - 21:14
Wolfe - 60:24
Won't - 34:3, 47:14, 53:9, 57:15, 59:14
Work - 3:19, 4:4, 4:5, 6:8, 8:4, 8:21, 19:8, 24:7, 24:9, 25:19, 29:7, 53:11
Working - 3:23, 23:1
Works - 13:14, 26:13

World - 48:15 Write - 33:5 Written - 32:14 X XLE - 8:16 Xways - 4:20 Y YANNETTI - 5:25, 14:14, 31:15, 45:5, 45:24, 54:17, 55:16, 55:17 Year - 3:22, 10:2, 51:14 Years - 4:2, 10:2, 15:19, 40:21 You'd - 51:8, 61:6 You'll - 58:6, 58:18 You've - 6:2, 20:24, 36:4, 40:18, 41:5, 42:24, 51:13, 61:25 Z ZIP - 26:6, 26:8 1 1,104 - 35:18 1/28/2022 - 38:15 1:02 - 52:4 1:04am - 52:5 1:21 - 41:21 1:29 - 52:5 1:46 - 41:24 1:47 - 41:25 10 - 29:1, 43:24, 47:11, 47:21 10:02 - 40:19 10:09 - 40:25 11 - 4:2, 48:1 12 - 48:12 12:33 - 45:16 12:55 - 51:22, 51:25, 52:4 13 - 48:22 14 - 12:3, 49:5 14s - 11:16, 11:23 15 - 49:13, 52:21 16 - 49:19 16th - 25:4 17 - 9:8 18 - 32:20, 46:10 2 2:05 - 42:1 2:06 - 42:3, 42:4, 42:6, 42:9 2:16 - 42:10 2:17 - 42:17, 42:20, 42:22 2:25 - 42:22, 43:1 2:26 - 43:3	2:27 - 31:21 2:29 - 43:3, 43:9, 43:13 2:30 - 43:13, 43:16, 43:18 2:32 - 43:25, 44:4, 46:5, 46:22, 47:22, 47:23 2:33 - 47:24, 48:5 2:34 - 48:10, 48:13, 48:16, 48:17, 48:19 2:35 - 48:24, 49:2 2:38 - 49:3, 49:6 2:39 - 49:7 2:40 - 49:9, 49:14 2:43 - 49:16 2:44 - 49:18, 49:20, 49:22 2:46 - 49:22 2:47 - 49:25 2:58 - 46:9 2:59 - 46:10 2020 - 34:24 2022 - 6:24, 14:6, 22:12, 25:4, 27:13 2023 - 12:9, 28:20 2024 - 9:8, 9:9 26 - 63:1 28 - 44:7, 46:8 28th - 41:21, 41:24, 44:23, 44:24, 47:3 29 - 9:9, 22:12, 30:19, 44:12 29th - 35:3, 35:4, 44:23, 44:24, 45:16, 51:23 3 3:00 - 47:3 3:30 - 38:16 3:35 - 38:16 300 - 4:17 4 4:15 - 53:2, 53:10 42 - 50:5, 50:7 48 - 36:14, 37:12, 37:22, 38:20 49 - 50:20, 50:22, 50:23 5 51 - 51:9, 55:24, 56:6 52 - 51:17, 55:24, 56:1, 56:6 53 - 52:3 570 - 6:23 6 6:03 - 44:25, 45:16 627 - 39:23 628 - 45:6 629 - 45:25 630 - 54:19	631 - 54:22 632 - 55:18 7 7:41 - 50:8 7:42 - 50:9, 50:12 7:43 - 50:12, 50:14, 50:15 7:44 - 50:18 8 8:00 - 50:3, 50:17 8:29 - 50:24 8:30 - 50:25, 51:1 8:31 - 51:3 8:32 - 51:6 8:33 - 51:11, 51:15 8:35 - 51:19, 51:20 9 9:19 - 44:24, 46:9, 46:10 9:30 - 58:5, 62:23 9:49 - 40:18 94 - 56:15 95 - 56:16, 56:18	
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